

# The Wild Wild West Bank

*Investigating causes of increased settler  
violence 2006-2011*

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# Abstract

This thesis aims at offering a deeper understanding of the phenomenon of settler violence in the West Bank. The purpose is to understand why part of the settler population was radicalized around 2006, and why violence has increased every year since. Three theories explaining civil violence and radicalism are combined in order to produce a thorough analysis of the causes of radicalization and continued increase and diffusion of violence. The study argues that the increase is due to a change in tactics on behalf of some settlers, and concludes that a tightening of the official attitude towards the settlement enterprise in 2005, which included targeting the unauthorized outposts, concluded a long process of delegitimation of the State in the eyes of the settlers. The change of government to a far more settlement friendly one in 2009 was not sufficient to appease the radical settlers, as anti-statism has grown to become a main element of their radicalized religious ideology. The existence of a large settlement supportive network in the political and bureaucratic systems has prevented the government from holding a clear stance towards the illegal actions of these radicals, and has led to very inconsistent state policies, and this has facilitated the observed increase in settler violence.



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All mistakes and errors in this thesis are solely mine.

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# 1 Introduction

According to numbers from the United Nations Office for the Coordination of Humanitarian Affairs (hereafter OCHA), there has been a steady increase of violent attacks by Jewish settlers on the West Bank towards local Palestinians<sup>1</sup> since 2006 (OCHA 2008; 2012a). In 2006, 182 attacks on Palestinians and their property was reported, of which 74 resulted in personal injuries (OCHA 2008). By the end of 2011, 121 attacks resulting in casualties were reported and 290 attacks leading to property damage (OCHA 2012a). The nature of the attacks extends from breaking of windows to destruction of agricultural fields, and from stone throwing to, in extreme cases, also murder of civilians. Settler violence is thus a very broad category.<sup>2</sup>

The overall aim of this thesis is to understand *why settler violence has increased since 2006. Why is the settler population more violent today than previously?*

The recent wave of settler violence is dissimilar to previous violent clashes in several ways, and the radicalization of the settlers seems to increase. Firstly, the attacks have spread throughout the West Bank, now affecting all areas, compared to before 2006 when Hebron was the most vulnerable and attacks occurring in other parts of the West Bank being a rare exception (OCHA Protection of Civilians Weekly Reports 2002-2006<sup>3</sup>). Secondly, since 2006, an increasing number of attacks are carried out by groups rather than individuals, which was the previous norm (OCHA 2008). In addition, in September 2011 the Shabak<sup>4</sup> reported that settler groups have organized into terror cells, possibly operating with a database for potential targets<sup>5</sup>, proving that the last five to six years have witnessed a radical shift in settler activism; a change in tactics. Thirdly, although some of the attacks have been acts of self-defense, most of them are what best could be characterized as hooliganism; violent street behavior designed to intimidate and “take over the streets” (Sprinzak 1999: 315, see OCHA weekly reports 2006-2011 for the pattern).

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<sup>1</sup> Settler violence also targets Israeli left-wing activists, international volunteers as well as Israeli security forces.

<sup>2</sup> A discussion on how settler violence is defined is found in chapter 5.2.1.

<sup>3</sup> Unless the reference is made to a specific report, it refers to the general picture or the trends identified when analyzing all the weekly reports in the declared time span.

<sup>4</sup> Shabak is the Israeli internal security agency, or the general security service, as it is known as by its Hebrew name. It is also known in English as Shin Bet, a two-letter abbreviation of the Hebrew name.

<sup>5</sup> Haaretz 09.13.11

The disproportionate relationship between the numbers of attacks originating from settlers versus attacks from Palestinians is significant. Attacks from Palestinians aimed at settlers are still a common feature of the life in the Occupied Territories<sup>6</sup>, but settler attacks towards Palestinian civilians by far exceed the other. Lastly, a new tactic known as “price tag” has grown forth since 2006, where policies targeting illegal settlements or illegal structures in settlements are avenged through attacks on Palestinian civilians and their property.

OCHA, humanitarian NGOs and news media alike all focus on settler violence connected to the evacuation of outposts<sup>7</sup> and explain the increase in violence based on this. However, such dismantlings are rare, while acts of violence happen weekly, and in periods even daily.<sup>8</sup> Little research has been done to explain the general increase in settler violence. Most attacks are random in the sense that there is no apparent provocation preceding the attacks, such as threatening behavior from the Palestinian victim or announced or actual evacuations. It is necessary to find broader explanations for the phenomenon.

## 1.1 Purpose of the study and research questions

The development sketched above provides the backdrop for this dissertation. Former research on radical settlers has focused primarily on religion and the ideology in order to explain extremist displays, stressing the messianic aspects of it (e.g Sprinzak 1981; 1986a; 1986b, Alianak 1998, Reuveny 2003, Kaplan 2011, Cohen-Amalgor 1997, Shaw-Smith 1994, and Ravitzky 1996), or placed it in the broader context of political violence in Israel and the Occupied Territories (e.g Sprinzak 1991; 1998; 1999; 2000, Peleg 2000, Pedahzur et.al 1999, Kydd and Walters 2002, Weisburd 1989).

These studies address the extremism of the 1980s and 1990s. More recent works on the settlers have been conducted (e.g Røislien 2006; 2007, Feige 2009 and Carton 2011), but they too focus on ideology and religion, and do not address the issue of violence explicitly. As far

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<sup>6</sup> The terms West Bank, Occupied Territories and Judea and Samaria will be used interchangeably throughout the paper.

<sup>7</sup> A settlement is a Jewish community established after 1967 beyond the Green Line. An outpost is an unauthorized settlement built close to established settlements.

<sup>8</sup> See OCHA Protection of Civilians weekly reports 2006-2011.

as I am aware, no systematic studies have been conducted exploring reasons for the recent increase in settler violence.

It is well known that some religious convictions sanction the use of violence and terror attacks, and assassinations in the name of God have been committed.<sup>9</sup> However, the magnitude and scale of today's violence is unprecedented. Hence, previously conducted research on ideology cannot explain the new phenomenon. This does not mean that ideology or religion is not of great importance when studying settler violence: Religion determines the importance of the land, and the world view of these fringe groups does sanction using violence as an instrument. But the ideology has existed for a century, while no such waves have erupted earlier. A new focus and new variables are thus warranted. My purpose is to shed light on this new trend in settler radicalism, analyzing state policies as a possible factor influencing the level of violence.

My first research question is:

*Why did 2006 witness an increase and change in settler violence?*

To shed light on this part of the phenomenon I will rely on Ted Gurr's (1968a; 1968b; 1970) notion of relative deprivation coupled with Pedahzur et al's (1999) work on delegitimation as factors leading to radicalization towards violence, where state policies influence the level of legitimacy in the eyes of the civilians. Sprinzak's (1981) "iceberg model" for political extremism will be added in order both to understand roots for delegitimation and the nature of state policies. According to the model, a small radical group's existence is both shaped and sustained by a large supportive network which shares some of the grievances of the extremist minority, but is far more moderate.

My second research question addressed why violence has increased every year since this initial radicalization. Mark Lichbach (1987) suggests that whether civil violence increases or decreases, depends on the level of consistency in state policies toward the dissenters. Lichbach presents a rational-actors model suggesting that the way the regime deals with the dissenters' different types of tactics; non-violent and violent, determines the outcome. In short, inconsistent policies facilitate increase in violence. The focus of the theory is the radical actors, but in interplay with the state. The second question thus asks;

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<sup>9</sup> The Gush Emunim underground in the 1980s, former Prime Minister Yitzhak Rabin's murder in 1995 and the massacre at the Tomb of the Patriarch in 1994 are the most extraordinary examples.

*Can inconsistent state policies explain the yearly increase in settler violence in the West Bank since 2006?*

The two questions are somewhat intertwined. The former does not solely address the time leading up to 2006, but also the more general radicalization of the settlers, as the increase in violence over the years suggests that the radicalization process has not ended. Not only are violent settlers more violent now, but the scale and diffusion of the violence indicates that more settlers have become radicalized over the years. The focus of the thesis will be on state policies, but the religious-ideological aspects will be taken into account. The time period of concern is 2006 until the end of 2011, and covers two governments; the Kadima led government from 2006 to 2009 and the Likud led government, elected in 2009. Events leading up to the observed increase and diffusion of violence will also be part of the study in order to understand the initial radicalization.

In addition to examining official policies, informal connections between settlers and officials in the political establishment will be analyzed. The time period is interesting since the state attitude towards the settler cause has been very dissimilar during the two cabinets. This thesis will argue that state policies do indeed influence the tactics of the radical settlers, and that the key to understanding the continued increase lies in the level of consistency in policies.

The analysis is mainly based on official documents, but also to a lesser degree on empirical evidence collected by myself through conversations with settlers.

## **1.2 The structure of the thesis**

The next chapter will give a brief overview of the historical background of the settlement movement and the settlement enterprise, as well as a presentation of who the radical settlers are. Chapter 3 presents the theory utilized and the analytical model constructed for the analysis, while chapter 4 presents the research design and discusses necessary methodological considerations.

Chapter 5 offers a discussion of the tactics used by the settler population as a whole in order to ensure Jewish control of the West Bank, which means in the least avoiding that the settlements are dismantled in connection with a peace agreement and the establishment of a

Palestinian state. How settler violence is understood in this thesis will also be discussed, and I will argue for the distinction of three different types of settler violence; vigilantism, “price tag” and hooliganism, whereas the two latter are the main concern for this thesis as they are regarded strategic violence in line with the assumption of the settlers as rational actors.

The main analysis will be given in chapter 7, but state policies will be accounted for, and discussed to some degree in a separate chapter; chapter 6. Chapter 7 is structured around the two types of strategic violence referred to above, and both research questions will be analyzed with regards to the typology. A conclusion and some thoughts on theoretical implications are found in chapter 8.

## 2 Background

The radicalization of some settlers cannot be detached from the political developments in Israel and the West Bank since the beginning of the settlement enterprise. The first sub-chapter will give a brief historical account of the settlements and the different motivations for their establishment. I will then present the settler population and the mainstream settlement movement's national-religious ideology. Section 2.2.1 presents the ideology of the radical settlers, and distinguishes this from the mainstream ideology.

### 2.1 The settlement enterprise

Since the Six Day War 121 official settlements and more than 100 outposts have been established in the West Bank areas B and C<sup>10</sup> (B'Tselem 2010<sup>11</sup>). All settlements and outposts are considered illegal under international law, as it breaks with the Fourth Geneva Convention, article 49, that states that “the Occupying Power shall not deport or transfer parts of its own civilian population into the territory it occupies” (ICRC 1949). Under Israeli law, outposts are considered illegal, but the illegality of the settlement is disputed, as it is claimed that temporary use of the land is necessary for security reasons. This was the initial reasons given for settling in the Territories. Labor, the ruling party, wanted to keep them as a negotiation card, and has kept that stand until today (Røislien 2006: 37). The legal justification is based on the interpretation of UN resolution 242, that demands “withdrawal of Israeli armed forces from territories occupied in the recent conflict” and

termination of all claims or states of belligerency and respect for and acknowledgment of the sovereignty, territorial integrity and political independence of every State in the area and their right to live in peace within secure and recognized boundaries free from threats or acts of force.

The omission of the words *the* or *all* territories, coupled with the statement that all parties have the right to live within secure borders has led to Israel's stance that the borders needs to be negotiated upon in order to provide security for Israel (see Amidror 2008). This was the

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<sup>10</sup> As part of the Oslo 2 Accords, or «the interim agreement on the West Bank and the Gaza Strip», signed in 1995, the West Bank was separated into three areas of jurisdiction, known as areas A, B and C. The Palestinian Authority (PA) was given full security and administrative authority in area A, Israel the same in area C, while in area B Israel would have the security responsibility while the PA was given administrative responsibility. Area C contains all the Israeli settlements, but a number of outposts have spread into area B, which is a direct breach of the Accords (see *Haaretz* 02.18.12).

<sup>11</sup> According to a data sheet from Peace Now (no date<sup>b</sup>) there are 129 independent settlements.



basis for the Allon plan of 1967 that suggested that Israel would give up most of the occupied West Bank and Gaza Strip, but ensure “strategic defense zones” along the border to Egypt and around the West Bank, leaving a corridor by Jericho to connect it to Jordan (Allon 1976: 45). Most of the Jordan Valley and the Judean Desert would fall into Israeli hands, guaranteeing Israel a “defense posture which would enable the small standing army units of Israel's defense force to hold back the invading Arab armies until most of the country's reserve citizen army could be mobilized” (ibid: 44). The plan was thus based on strategic interests, and although it entailed establishing civil settlements, not only military posts, these were to be constructed in areas regarded crucial for Israeli safety, such as the Jordan Valley. Areas densely populated by Palestinians should not be settled, and never annexed (ibid: 47) Following the suggestions laid out in the Allon Plan, the 1967-1977 Israeli Labor governments established 21 settlements in the Jordan Valley and along the Eastern slopes of Samaria, and avoided construction in the mountainous areas from Nablus to Hebron, apart from two cases.<sup>12</sup>

In 1974 Gush Emunim, Bloc of the Faithful, was established as a faction of the National Religious Party, and based on the ideology of the Rabbis Kook, father and son. It dates back to the beginning of the 20<sup>th</sup> century and advocates redemption through self-help and human agency. While the ultra-orthodox Jews for most part have rejected Zionism, as it is considered a secular ideology, the ideology of Gush Emunim can also be called religious Zionism. The rabbis Kook claimed that the process towards the coming of the Messiah, a king of the House of David that will gather the Jewish people in the land of Israel, had begun with the establishment of the state of Israel (Brown 2003: 318). The unexpected Israeli victory in the Six Day War was interpreted by Rabbi Kook jr. and his followers as an act of divine intervention, and Eretz Yisrael, Greater Israel in the biblical sense, was declared holy land. This meant that the newly occupied territories of Judea and Samaria<sup>13</sup> became nonnegotiable land, not from a political or security standpoint, but from a religious point of view. Since this land had been promised to Abraham by God, redemption could only take place in the context of Greater Israel. Giving up land would equal giving up redemption (Aran 1989, Green and Silverstein 2003: 263-264).

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<sup>12</sup> The first settlement was the 1967 rebuilding of Kfar Etzion in Gush Etzion, a bloc south of Jerusalem that was established during the 1940s, but wound up outside the 1949 armistice line (Katz and Lehr 1995: 730). The other case was the resettling of Hebron, which had had a Jewish presence since biblical times until the massacre of 1929, and was resettled in 1967, but not recognized by Israeli authorities. Approval of an establishment of a settlement in Kiryat Arba, close to Hebron, came in 1968 after Jewish soon-to-be settlers had occupied a hotel in Hebron for a year. East Jerusalem and Gaza were also settled in this period, but this paper does not deal with other areas than the West Bank.

<sup>13</sup> The biblical names of the West Bank

Gush Emunim was politically supported by “the national camp”, which was comprised of several ultra-nationalist parties as well as the secular Likud (Sprinzak 1981: 28). Gush Emunim worked towards “changing the facts on the ground”<sup>14</sup>, opposing territorial concessions through building settlements in the Occupied Territories and fighting for the extension of Israeli sovereignty. However, none of the stated motives for settling the land were political. Rather, settling the land, which is a secular political activity, had been transformed into a *mitzvah*, a religious obligation, by Kook sr., and continued as a leading principle by Gush Emunim. The early settlements of Elon Moreh and Kiryat Arba were established by Gush Emunim during Labor rule. Although repeatedly evacuated from the attempted settlements, the activists did not give up, and the political establishment gradually gave in (Sprinzak 1999: 150).

The end of “the one-party state Israel”<sup>15</sup> in 1977, represented a shift in policy towards the Territories. The interests of Gush Emunim concurred with the goals of the state, although the motives of Likud were secularly founded, and Gush Emunim received substantial financial assistance (Carton 2011: 13). During this period the majority of settlements were built (see data sheet Peace Now no dateb).

The Oslo Accords, although not addressing the settlement issue, led to the creation of the Palestinian Authority (PA), and decided that there would be a gradual transfer of governing power from Israel to the PA. This presumably foretold the end of the settlements in some future, near or far, and the signing of the agreement was considered an act of treason by many settlers. The subsequent terror attacks signed Hamas and Islamic Jihad hardened the debate and the Israeli radical right grew. The 1995 assassination of Yitzhak Rabin shocked Israeli society from left to right and led to an awakening regarding the political rhetoric in the country. The political climate was calmed significantly after this, with violence originating from the Jewish Right becoming a rare occurrence in the late 1990s (Sprinzak 1998: 123-126).

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<sup>14</sup> “Facts on the ground” is a principle in international law that refers to that the actual circumstances should be the basis for legislation. In the case of Israel/Palestine, changing the facts on the ground refers to such actions as building settlements that will be difficult to dislodge, changing the physical reality of the territories and later perhaps also the legal reality.

<sup>15</sup> In 1977 Labor gave up its government position for the first time. With the exception of a two year period from 1984 to 1986, when Shimon Peres served as prime minister as part of a cooperation deal between Labor and Likud, Likud was in control from 1977 to 1992.

In 1996, the Israeli government decided to stop building new settlements, but the existing settlements have been expanded due to “natural growth”. The construction of outposts, unauthorized small settlements connected in some way – either physically, ideologically or through family ties – to one of the settlements, was spurred from the beginning of the new millennium. This can be seen in connection to the Camp David Summit in 2000 and the Taba Summit in 2001. At both talks the leaders of the entities discussed the creation of a Palestinian state on 96 percent of the West Bank and 100 percent of the Gaza Strip, the evacuation of most of the Israeli settlements and the territorial division of Jerusalem.

In the summer of 2005 all the 21 settlements on the Gaza Strip, known as Gush Katif, were evacuated, which represented a major setback to the settlement movement and especially to the messianic outlook. The more secular focus on the security issue, as mentioned above, is a consequence of this, along with the outpost construction to change the facts on the ground before a deal is struck. In order for the settlement movement to win or keep the support of the Israeli public, which they enjoyed until the Oslo Accords, the heavy focus on religion was to a large degree abandoned (Khalifa 2009: 33).

## **2.2 The settler population**

At the end of 2011, the settler population in the West Bank was 342,414 (Katz no date). This group can roughly be divided into so-called “quality of life” settlers and national-religious settlers (Peace Now 2007). The former group consists of people moving to the settlements mainly for economic reasons. From 1975 up until 2003, residents of the settlements were given a seven percent tax reduction on the basis of being so-called priority areas. Priority areas are, on paper, areas that have lower socio-economic opportunities than the national average, and the tax break has also been given to areas in northern Israel and in the Negev. However, many of the settlements are in a better economic situation than the national average.<sup>16</sup> Other economic incentives for settling in the Territories are cheaper housing, subsidized transportation and subsidized education (ibid). The tax reductions were discontinued in 2003, but the majority of the “quality of life” settlers moved there prior to this year. These settlements are located close to the Green Line, and services such as easy

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<sup>16</sup> *Haaretz* 09.25.03

transportation to the urban areas of Israel, as well as far distance from the urban Palestinian areas, are reasons for the choice of location. The proximity to Israel proper<sup>17</sup>, coupled with the economic incentives, contribute to these settlers living a better life in the settlements than they could have done for the same costs in Israel proper.

According to a 2002 survey, 77 percent of the settlers refer to themselves as “quality of life”-settlers (Hopp et al 2002). However, in addition to the mentioned survey being ten years old and which means it is possible that the numbers are somewhat different today, it is important to note that the two categories are not mutually exclusive. The 77 percent are the percentage of respondents that stated that economic reasons were the primary reasons for settling in the Territories, but many of these settlers were also found to live in ideological or religious settlements. Many “quality of life” settlers are religious, and many have also become ideologically committed to the settlement enterprise over the years (Peace Now 2007).

The national-religious settlements are located deep inside the Territories, but also a number of settlements close to the Green Line, for instance the Etzion Bloc near Bethlehem, fall into this category. In the 2002 survey mentioned above, 20 percent of the settler population stated that the reason they live there is first and foremost religiously or ideologically motivated. Many of the ideological settlements are located in areas that are religiously significant, and often bear biblical names (ibid). Roughly speaking, the national-religious settlers adhere to the ideology of Gush Emunim, and most of their settlements were established by Gush Emunim activists. The national-religious settlement population is, however, not a homogeneous group, and even the settlers that live in the settlements known as ideological have different emphasis on religion, especially the issue of the coming of the Messiah. It is also important to note that even though the settlement movement initially was driven by religious ideology, security and strategy is of equal importance for many of the settlers today. The settlement movement is today led by the Yesha<sup>18</sup> Council, established in the 1970s. It is the political organization for the leadership of the settlement movement, and is regarded the successor of Gush Emunim, which does not exist anymore (Allen 2005: 11). However, the current chairman of the Council, Danny Dayan, is secular, which illustrates the diminishing emphasis on religion, at least from the leadership. Since its inception, represented by Gush Emunim, the settlement

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<sup>17</sup> The term «Israel proper» is somewhat problematic, as Israel does not have any properly defined borders. The meaning assigned to the term in this paper is the borders of Israel before the Six Day War, although the term is dubious.

<sup>18</sup> Yesha is an acronym for Yehuda, Shomron and 'Aza, which are the Hebrew names for the West Bank and Gaza. The word also means «salvation».

movement has changed the political facts on the ground, working towards creating a new geopolitical reality in order to influence the decision making process in Israel (Sprinzak 1986a, Allen 2005, Gorenberg 2006).

### **2.2.1 The Hardalim – the radical settlers**

The Haredi Dati Leumi, literally meaning Ultra-orthodox national-religious and commonly known by the acronym Hardali, is a sub-group of the national-religious settlers and the part of the settler population connected to violence. With the exception of the Hebron area, the younger generation is known to be the most radical. The Hardalim youth can be divided into two groups, what David Khalifa (2009: 42) has termed the “right-wing refuznikim”, that is Hardali soldiers refusing to obey orders on religious ideological grounds<sup>19</sup>, and the Hilltop Youth, known for constructing illegal outposts on the hilltops surrounding the settlements, as well as most frequently associated with violence.

The ideology of the Hardalim combines ultra-orthodoxy with ultra-nationalism, and is strongly anti-statist and dedicated to creating a new “Jewish leadership” in order to keep the Greater Land of Israel. Although “part of [the] redemption is the conquest and settlement of the land [and] this is dictated by divine politics, and no earthly politics can supersede it” (Rabbi Kook jr., quoted in Ravitzky 1996: 131), Gush Emunim viewed the state as a sacred entity, a necessary institution for the fulfilling of the messianic goals. As opposed to this, the Hardalim perceive the «laws forbidding Jews to settle the Land of Israel (...) immoral, discriminatory and thus non-binding. There is simply no way that any man-made law can, even if promulgated by the Israeli Knesset, trump the Biblical imperative to settle the land» (Blogger and Hilltop Youth «King Ahab», no date).

The Hilltop Youth, who have taken upon themselves the task of continuing the job of settling the land, as the mainstream settlers accepted the discontinuation of settlement construction in 1996, view the entire area of biblical importance, like the Hardalim in general. The entire land was given to the Jewish people by God, and hence the entire land is theirs to inhabit (Carton 2011: 19). Gush Emunim adhered to a messianic ideology, while for the younger generation the importance of the land is the highest concern and, as suggested by Carton (2011: 32), they have a more biblical understanding of redemption, where they feel a connectedness to God

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<sup>19</sup> Should not be confused with what is usually connected to the “refusnik” term in Israel, which is left-wing youths refusing on grounds of moral objections to the occupation.

through living on and living off the land of their biblical ancestors. Also, this youth grew up in the West Bank, not knowing any other life, as opposed to the older generation of settlers who moved into the newly occupied territories from lives in Israel proper or the US and Europe. Because of these factors they have a much more problematic relationship towards the Palestinian population in the area than most of the Gush Emunim settlers. The first settlements, unlike most today, had no fences, security cameras or guards. According to halakha<sup>20</sup>, non-Jews living in the land shall be treated with tolerance as long as they obey to the laws of the land, and most Gush Emunim followers adhered to this policy (Feige 2009: 117). This is also true for most settlers today. People I spoke to in Shiloh expressed no problem with the concept of having Palestinian neighbors. The important part for them is that Jews should reside in Shiloh and other holy places. Many were not completely opposed to the idea of living in a future Palestinian state, as long as this Palestinian state could provide them with sufficient protection. However, all the people I spoke to stated that the current situation is the best situation. For the Hilltop Youth, in contrast, the current situation is a state of war; their adversary is the entire Arab nation (Kershner 2008).

The Hilltop Youth thus justify the use of violence by a self-perception as warriors, fighting the divine cause, with simple means and through a simple lifestyle. Their outposts reflect this simplicity. They live in shacks and sheds, some even in caves (Carton 2011: 33). They are not afraid of clashing with the police or the Israeli Defence Force (IDF): In fact, it has been stated as a goal (Novick 2010). Most outpost evacuations are far from peaceful, and the settlers throw stones, bottles and other objects at the soldiers, while cursing and yelling, the latter with the use of biblical references as directed through a “curse dictionary” distributed among the youth, along with guidelines to how to act in the event of evacuations.<sup>21</sup>

It is, however, worth mentioning that not all the outposts are Hilltop Youth outposts. Most of the outposts were established prior to the existence of the phenomenon of the Hilltop Youth. Several of the outposts have existed for such a long time that they have grown into full-fledged communities with several hundred residents (Peace Now 2012a).

Finally, although people identified as Hilltop Youth are most frequently connected to violence, Hardalim of all ages have been reported participating in such acts. The size of this fringe group is hard to determine, but according to the then head of the Central Command

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<sup>20</sup> Jewish religious law

<sup>21</sup> *Yedioth Aharonot* 11.05.10

Gadi Shamni, they numbered a few hundred in 2008.<sup>22</sup> As violence has increased since then, it is possible that the number of individuals participating in violent acts also has risen. Regardless of the exact number, it is clear that they are a minority.

The phenomenon of the Hilltop Youth is not much older than the recent wave of violence. This chapter has given an account of their radical ideology, but has not touched upon *why* they adhere to this radical ideology which can be regarded a radicalized version of the Gush Emunim ideology, which is part of research question one.

Although there were different motivations for the establishment of settlements, the goals concurred. This enabled the settlement enterprise to grow strong in only a few years, and has become an important aspect of Israeli policy. A consequence of this is that the secular state indirectly has acknowledged the religious importance of settling the West Bank. This renders potential withdrawal from these areas difficult, should the secular part of the state deem the security situation less dire in the future.

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<sup>22</sup> Quoted in *Haaretz* 10.02.08

### **3 Theoretical Framework**

The first section of this chapter will give a brief account of the broader field of study that settler violence is a case of; political violence, or domestic violent political dissent, and discuss the choice of approach. Since the case of increased settler violence has two sides; the sudden increases and changes in nature of the phenomenon observed in 2006, and the continued increase over the five years that are the focus of this thesis, a number of factors need to be taken into account. These will be addressed through a constructed analytical framework that combines three different theories. The theories chosen are general theories of political violence.

The contribution of this thesis is that it goes beyond the usual focus on religion and ideology and examines an exogenous factor; how the state has responded to the tactics of the settlers, and the interplay between the settlers and the political establishment in general.

Ted Gurr's (1968a; 1968b; 1970) work on relative deprivation coupled with the notion of delegitimation are suggested as factors leading to radicalization. Mark Lichbach's (1987) theory of how state policies determine whether violence escalates or decreases is utilized in order to explain the continued increase. Finally, Ehud Sprinzak's (1981) iceberg model of political extremism is altered somewhat compared to the original model in order to fit the contemporary case and will be treated as an intervening variable both when seeking to explain radicalization and continued increase in settler violence.

The final section presents the analytical model that constitutes the framework of this thesis. I regard the phenomenon more complex than the popular "price tag narrative", and the different theoretical components are constructed in order to address the various elements of importance.

#### **3.1 Choice of theoretical approach**

Most previous studies of the settler population have focused on the religious convictions of the settlers and their messianic ideology. Theories linking religion and violence are used, such as Rapoport's (1988) messianic terror theory. That radical religious ideologies sanction the use of violence is known and literature on Islamism and violence could thus be helpful when



examining the phenomenon. The same could be said of terrorism theory. According to Hoffman's (1998: 43) definition, terrorism is "the deliberate creation and exploitation of fear through violence or the threat of violence in the pursuit of political change". This is but one of a range of existing definitions of terrorism, but as Reinares et al (2008: 7) notes, in sum they can be boiled down to encompassing terrorism's

"...often symbolic character, its often indiscriminate nature, its typical focus on civilian and non-combatant targets, its sometimes provocative and retributive aims, the disruption of public order and endangering of public security, the creation of a climate of fear to influence an audience wider than the direct victims as well as its disregard of the rules of war and the rules of punishment".

Although settler violence can in many instances be regarded as terrorism, declaring all acts of settler violence terrorism is very controversial. However, terrorism is part of the continuum that is domestic violent political dissent; starting with mild forms of political militancy, such as violent demonstrations, extending to killings and terrorist plots (Sprinzak 1999: 313-14, Nelson Education, no date). It is geared by individual, cultural and structural motivations (Landman 2003: 96). Different scholars have focused on different factors in trying to explain "why men rebel" (Gurr 1970). Among these are general levels of inequality (e.g. Lichbach 1989, Muller and Seligson 1987), changing economic conditions (e.g. Popkin 1979, Lichbach 1994) and moral outrage at injustice (e.g. Scott 1976, Moore 1978). Settler violence could also be categorized as religio-political violence; a sub-category of domestic violent political dissent. The motivations are religiously founded, but what constitute dissent are not the motivations. The common denominator for this kind of violence is that the goal being sought is of a political nature, which is also true for the case of settler violence. This does not mean that religion is completely depreciated as a relevant variable. The religious motivations of the settler movement determine the importance of the political goals, and religious convictions make political actions from the state seem unjust. But the religious convictions are shared by a large number of non-violent settlers as well. Religion is thus treated as a background variable; necessary, but not sufficient, and certainly not on the operative end of the causal chain which results in settler violence (see figure 1, p. 30).

## 3.2 Relative deprivation and delegitimation: Explaining radicalization

Ted Gurr's (1968*a*, 1968*b*, 1970) theory of relative deprivation as a basic precondition for political violence is perhaps the most utilized theory in the study of political violence. Its central point asks “what brings an individual or a group to the stage that they choose to engage in violent actions?” The assumption of this theory is that the route to radicalization begins with the subjective feeling of deprivation;

(...) the actors' perceptions of discrepancy between their value expectations (the goods and conditions of the life to which they believe they are justifiably entitled) and their value capabilities (the amounts of those goods and conditions that they think they are able to get and keep) (Gurr 1968*b*: 1104).

It is the feeling of getting less than you are entitled to, be it resources or rights, when comparing your own situation to others' (Gurr 1970: 37). Hence, the focus is not on *objective* deprivation, but rather the *subjective feeling* of deprivation. Relative deprivation is a psychological variable, and frustration is the actuating factor. According to Gurr (1968*a*: 249) attacking the frustrating agent is a natural response to frustration, but the feeling of deprivation needs to undergo a process of “politization”: Radicalization towards violence occurs when people see their deprivation as linked to political structures, and reason that the only way for them to receive what they view as rightfully theirs is by fighting the established system (ibid: 253).

Relative deprivation does not lead to violent behavior on every frustrating occasion. Gurr (1968*a*) presents ten propositions that predict the likelihood and magnitude of civil strife when feeling deprived. As a basic presumption, the more severe the relative deprivation, the greater is the likelihood and magnitude of civil violence (ibid: 254). Gurr points to factors such as the closeness of the goal, efforts previously invested and expected retribution from the regime (ibid: 265-267). One important factor is the distance between the value position sought and the value position attainable. There is a difference between what you want and what you believe is possible to get, and aggression will be fiercer if you believe these two to be close (ibid: 261). Further, Gurr focuses on social factors such as availability of common experience and beliefs that sanction violent responses to anger, with some form of organization or leadership being important (ibid: 271). Group membership can facilitate individuals' disposition for violence by providing normative support. This is true for homogenous friendship groups or groups with a tight organization. Gurr also touches upon external factors,

outside the group. The settlers are not one homogenous group of people, but several societies living disconnected from one another on the West Bank. Still, Gurr holds that simply identifying with people in a similar situation can be enough to trigger violence, either as some kind of sympathy demonstration, or if like-minded people are engaging in violent protest against the state, it can act like an encouragement to part take in the same kinds of actions (ibid: 274). To underpin his argument, Gurr points to studies of riots in rural England and France where violence erupting in one place spread outwards resulting in riots taking place in distant areas days and weeks after the initial protest.

These propositions do not, however, give clear accounts of the transition from the feeling of deprivation to violence, except for the notion of distance to the goal (cf.: 261). Pedahzur, Hasisi and Brichta (1999) suggest that relative deprivation in itself is not sufficient to explain radicalization. However, coupled with the "breakdown of a government's legitimacy in the eyes of the civilian", the chances increase. They assert that a strong feeling of deprivation can lead to delegitimation of the state in the eyes of the civilian, which again will lower the bar for political violence. Legitimacy is based on values, and the level of government legitimacy depends on to what degree the values of the government correlate with one's own values. If one does not regard the existing structures as just, one do not deem it necessary to follow the rules of the game, and deviant behavior will more likely arise (ibid: 19). I will rely on Pedahzur et al's adjustment of Gurr's original theory, adding delegitimation as a necessary factor for the transition from relative deprivation to violence.

### **3.3 The tip-of-the-iceberg model: The supportive community**

One of the leading scholars on Jewish extremism Ehud Sprinzak's "iceberg model of political extremism" is another oft cited model (e.g Liebman and Don-Yihya 1983; Prior 1997; Peleg 2009). Rather than being a model to explain radicalization, like the preceding one, it is a model of organization to explain how a radical group's existence is shaped and sustained.

In this model the group or movement at hand is seen as the tip of a political iceberg. The extreme element that is prominent is but a fraction of a large base that extends to the non-extreme bottom. The base is a broad political and cultural system that has developed over

time and eventually shaped the extreme tip. Sprinzak used this model to explain how a seemingly small and fanatical group of people like Gush Emunim could exercise such a large influence on Israeli policy making as it did (Sprinzak 1981; 1986a; 1986b). His point is that there is always a larger support community behind such extremist displays, which enhances the power of impact of the group. He points to Gush Emunim receiving funds from official institutions such as yeshivas, settlements and youth centers (Sprinzak 1981: 44). He adds that being recognized as a settlement movement by the World Zionist Organization eased access to funds also for illegal activities, as the bodies allocating these funds were not able to distinguish illegal from legal operations (ibid).

As the metaphor implies, warm weather leads to the tip melting somewhat. If there is large support in the political system, the goals can be furthered in the corridors rather than through extralegal extremist actions. Gush Emunim was never formally politically organized, but had close ties to the National Religious Party (NRP). It was an integral part of both the social and political base of NRP (ibid: 47), a party that was a coalition partner in every government from its establishment in 1956 until 1992. As the ideology of Gush Emunim to a large degree concurred with the ideology of at least the younger generation of NRP, Gush Emunim was able to strongly influence the government (ibid). In addition the leaders of the movement all came from the so-called "knitted skullcap" sub-culture that emerged in the Bnei Akiva youth movement and HaPoel haMizrachi, the religious kibbutz movement. Both movements were founded in the 1920s, and had long traditions that the new Gush Emunim movement could derive advantage from in terms of ideological support. The social and cultural system that existed in Israel prior to the more ideologically extreme Gush Emunim became the main religious Zionist force, thus had long roots (ibid: 46).

### **3.4 Mark Lichbach's "deterrence or escalation" theory: Explaining increase in civil violence**

Many studies of domestic violent political dissent that has analyzed the role of the state have used action-reaction models (see Snyder 1976, Salert and Sprague 1980<sup>23</sup>), where opposition activities are understood as mechanical reactions to state policies; the actors increase or

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<sup>23</sup> See also Buzan and Herring (1998) for a use of an action-reaction model in the study of arms races

decrease output in reaction to the other's output. The problem with this type of models is that they produce differing findings: Deterrence can lead to both escalation and diminution, since political dynamics do not follow classical mechanics. In the words of Moore (1995: 132), these models “are useful for understanding general patterns of conflict, but they are incapable of addressing conflict as a process because they are essentially static 'input-output' or 'stimulus-response' type models, not dynamic models of interaction.”

Mark Lichbach (1987) presents a rational-actors model to explain under which circumstances repression will escalate or deescalate the conflict. He stresses changes in policies and changes in tactics as important variables – that is, he is taking the dynamic nature of conflict into consideration. He criticizes the action-reaction model for not including choices: “Repressed oppositions do not go away nor do they necessarily redouble their efforts. They do, however, change their tactics” (Lichbach 1987: 288). There is interplay between the state and the dissenters, and a different way of asking why there has been an increase in violence is to ask how dissenters decide upon which tactics to use. Opposition groups do not exist in a political vacuum, so a change in tactics is a function of changes in exogenous factors, such as state policies (ibid: 284).

In Lichbach's model opposition groups are broadly speaking faced with two tactics; non-violent protest and political violence. In Western democracies this dichotomy is represented by peaceful demonstrations and terrorism, with a range of possible tactics existing between the two extreme points (Lichbach 1987: 274). Treating protest as one category, where violent and nonviolent behavior are two possible tactics, government response to one tactic will influence the use of other tactics, but the relationship is not mechanical as suggested by action-reaction models. The rational-actors model allows for the process to evolve over time. There is a dynamic relationship where the reactions to the other actor's actions will change based on the actors' beliefs, which also changes as the conflict evolves.

A precondition for the use of Lichbach's theory is thus the assumption of the radical settlers as rational actors. As Tilly (1978: 14) states, political dissenters are not irrational and subject to impulses; they are rational actors who weigh costs and benefits across available tactics. According to Elster's (1986: 1) definition of rationality, a rational action requires that it is consistent with the actor's preferences and beliefs, and that these preferences and beliefs by themselves are also consistent. A broader definition of rationality requires that the beliefs are founded on available evidence, meaning that the actors “use their experiences and

observations of the world to appraise, accurately, without hysteria or delusion but not necessarily without error, their self-interest, displaying egoistic, but not necessarily greedy, behavior” (Lichbach 1987: 271). Finally, a rational actor knows what he wants, and is able to identify what tactics he believes are most likely to lead to the fulfillment of his goals (Elster 1986: 1).

It is difficult to assess with certainty whether the radical settlers are in fact rational actors calculating costs and benefits. They might be driven solely by emotions. If that is the case, the notions of deprivation and delegitimation might still be useful for understanding the increase in violence, but assessing the different tactics' effectiveness and the strategic implications of repression and accommodation are not relevant. Still, it is reasonable to apply the theoretical framework utilized on the case of settler violence since Hilltop Youth themselves operate with terms such as “tactics” and “strategy” (Khalfa 2009, Carton 2011). The fact that guidelines for evacuations have been distributed (Novick 2010) and that the Shabak has reported that settlers have organized into something resembling terror cells also indicate some level of planning. The fact that the security service estimates that there are only a couple of hundred such extremists does not rule out that they might all be organized on some level.<sup>24</sup> Moreover, as will be discussed in chapter 4, the choice of theoretical approach guides the attention of the researcher in one way or another, and determines which angle the case is studied from. Lichbach claims that dissenters in general weigh tactics, and I accept this assumption as guiding for my analysis, since my second research question is aimed specifically at Lichbach's theory and whether this approach can enhance my understanding of settler violence.

Benefits are understood as a government policy or output that accommodates the group's interests and yield some revenue as a collective benefit for the group (Lichbach 1987: 275-6). The cost for the opposition group is the repression their tactics are met with by the government (ibid: 277). Hence, the opposition group calculates costs and benefits, and chooses tactics based on the information available to them, through updating beliefs in a dynamic process, estimating the likelihood that repression will be the State's response for any given type of dissent. This belief is updated by looking at the history of their own activity, and how the State has reacted previously, as well as how consistent the State has been using the given responses to the given tactics (ibid: 286-7).

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<sup>24</sup> See *Haaretz* 11.02.08; 09.13.11

Lichbach presents three propositions regarding the relationship between state policies and violence:

1. An increase in a government's repression of non-violence will reduce the non-violent activities of an opposition group but increase its violent activities (ibid: 285);
2. If the government increases its repression of the opposition group's tactic that is more effective at obtaining a desired government policy for the group, then the total conflict activities will increase (ibid: 286), and;
3. Consistent government accommodating and repressive policies reduce dissent while inconsistent policies increase it (ibid: 287).

Harsh repression of non-violent tactics will decrease the non-violent opposition activity, but violence will increase because the non-violent activities will be substituted with violent ones (ibid: 284). This is explained with the increase in relative costs for the dissenters' non-violent activities. If this activity is harshly repressed, there are no incentives not to change tactics. In addition, a government policy of coercion may itself become target for dissent, attracting new groups or followers, leading to the conflict escalating: "The apathetic become politicized, the reformers become radicalized, and the revolutionaries redouble their efforts" (Lichbach 1987: 269).

This does not mean that the overall level of opposition activities necessarily will increase. Whether it does, depends upon the relative efficacy of the tactics. This is what is meant by Lichbach's second proposition. If nonviolence has proved more effective in producing a certain government output, and repression of this tactic increases, the opposition group needs to make up for the lost efficacy of the non-violent tactic by increasing their violent efforts (ibid: 286). Thirdly, if violent behavior is repressed on occasions, but ignored on other occasions, and the same goes for non-violent activities, there is a possibility of getting away with violent actions, and hence giving up violent protest has no real incentives, especially not if violence proves effective on at least some occasions (ibid: 293). Repressing the most effective tactic is also in itself inconsistent, as the government is rewarding and punishing the same tactic (ibid: 287).

### 3.5 Analytical Framework

Relative deprivation is linked to resources or rights in comparison to other peoples' situation. The settler community has repeatedly expressed grievances over not being allowed to build while, as they see it, Palestinians are building illegally with no consequences<sup>25</sup>. In the words of Foreign Minister Avigdor Lieberman, who has expressed his support for this view; “[t]he residents [in Judea and Samaria] are the most discriminated against minority in Israel: they work, serve in the army, pay taxes - what is expected, that they do not build schools and parks?”<sup>26</sup> Despite this, the term “expectancy gap” will be utilized, as it is better to describe the more general situation for the settlers. There is an expectancy gap between what they deem as rightfully theirs; the biblical homeland of Judea and Samaria, and the actual situation: Israeli, or Jewish, sovereignty is not extended to these areas. The legal situation prohibits the settlers to settle all over the West Bank, which runs counter to many settlers' goal.

The focus will be on the State and state policies. Both Lichbach's and Gurr's theories focus on the choices of the violent actors, but in interplay and as responses to state policies. In many respects the two theories overlap: Lichbach is concerned with the actors weighing costs and benefits and calculating the chances of repression when deciding upon tactics. On the same note, Gurr states that the expected retribution from the regime will determine the magnitude of violence. Further, they both state that a government policy of coercion may itself become target of dissent and thus attracting new groups of followers.

Lichbach's model is based on a simple dichotomy: Regime versus opposition. This is a simplification of any society or political situation, of which the author himself is aware (Lichbach 1987: 273). Israeli society consists of many differing interests regarding the settlement enterprise, which will be discussed throughout the thesis, and this determines the policies of the government at any given time. That parts of the political establishment are interested in keeping the settlements is not disputed. Thus, Sprinzak's “tip-of-the-iceberg” is regarded as an important explanatory factor, as the existence of such an “iceberg” means broad support for the settler cause, something that is relevant for the radicalization, as it narrows the distance between the value position sought and the value position attainable (cf. Gurr 1968a: 261), as well as it contributes to the process of delegitimation. A high number of sympathizers in relevant official positions can also lead to inconsistent policies as supporters

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<sup>25</sup> See for example *Yediot Aharonot* 12.11.08, *Arutz Sheva* 12.11.08, *Arutz Sheva* 09.06.11, *Arutz Sheva* 10.17.11

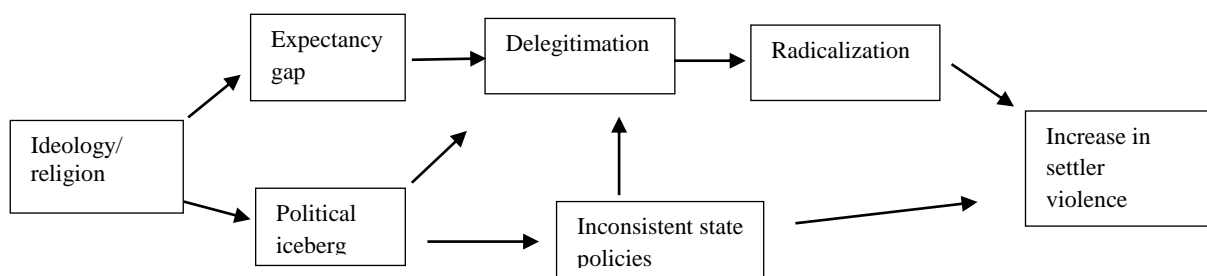
<sup>26</sup> Quoted in *Arutz Sheva* 10.17.11



ensure policies favorable to the settler cause, while other parts of the State might try to crack down on aspects that are associated with dissent.

Since the goals of the radical settlers need to be achieved through political processes and verdicts, policies will be regarded more important than religion itself. However, the radicalization of the part of the settler population is connected to religion, as the goals are religiously founded. Nevertheless, religion has always been a driving force for settlement in the Occupied Territories, but has not previously lead to waves of violence like the ones since 2006. Hence it is reasonable to assume that religion in itself is not a sufficient factor when explaining increase in violence. Rather, exogenous factors such as state policies will trigger the underlying motivations that stem from religious convictions, as the importance of the land and “the historic right” can be seen as factors that lead to a feeling of deprivation. Many religious settlers feel entitled to the land since it was given to them by God, and the religious importance of the goal makes political actions from the State seem unjust. Religion and ideology are therefore regarded as underlying - but necessary - variables, but the resort to violence in order to protect what they deem rightfully theirs is contingent on other variables.

**Figure 1: analytical model: Upper trail: Suggested relationship between the variables leading to radicalization to violence. Lower trail: Suggested relationship between the variables leading to continued increase in violence**



The analytical model above shows the suggested relationships between the variables. Ideology and religion are appreciated as underlying and necessary variables. The reason the two are grouped together is because the settler cause does not have sympathy only based on religious motivations. The “iceberg” is also made up of sympathizers that regard security and strategy as crucial factors. But whether the driving force is religion or strategy is not regarded as relevant, since the overall goal is the same. Even though only a small faction of the settler population engages in violence, the goals of this minority are consistent with the goals of

many non-violent actors as well. The overall goal is to keep the disputed territories as part of the state of Israel, either seen from a military-strategic point, or for religious and historical reasons. For some, this entails pushing Palestinians entirely off the land, forcing them to leave the area and preventing the establishment of a Palestinian state. For others it is about Jewish control of the land, regardless of whether Palestinians live in the area, the land in question is to stay in the control of the Israeli government. For both it is about avoiding giving the land to a future Palestinian state, at least the religiously and militarily important parts of the West Bank. The existence of an “iceberg” and the consequences this have for state policies is treated as an intervening variable important both when explaining delegitimation and reasons for inconsistent state policies.

The upper trail of the analytical model (figure 1) suggests the route of radicalization that has lead to the sudden increase and spread in settler violence, while the lower trail suggests why violence has continued to increase over the years.

## 4 Research Design and Method

In the vast literature dealing with questions of design and method, the use of the two terms often offers different interpretations of which is which, and both the logical structure of the research and the mode of data collection is referred to as “method”. For clarity's sake, I use de Vaus' (2001), Ragin's (1994) and King et al's (1994) understanding of design and method, where “design” refers to the “plan for collecting and analyzing evidence that will make it possible for the investigator to answer whatever question he or she has posed” (Ragin 1994: 26) and “method” refers to the method of data collection: “How the data are collected is irrelevant to the *logic* of the design” (de Vaus 2001: 9, emphasis in original). The research design is a plan for a study, and contains four analytical components; a research question, theory, data and the use of data (King et al. 1994: 13). It is hence a *logical* problem, as opposed to method, which deals with a *logistical* problem (de Vaus: 2001: 9).

Both design and method need to derive from the research question and pre-existing theory (Packer 2011: 17). This thesis aims at explaining the recent rise in settler violence as a case of political violence. It is a qualitative case study with a single case being examined. According to Gerring's (2007: 19) definition, a case is a “spatially delimited phenomenon (a unit) observed at a single point in time or over some period of time.” Section 4.1 will give an account of the case study as a research design, and justify why this approach has been chosen. Section 4.2 will give an account of the research process and method of data collection, with the possible pitfalls they entail, while section 4.3 discusses advantages and disadvantages of the case study design.

### 4.1 The case study as research design

Settler violence is a case of domestic violent political dissent. However, the case of study is not chosen because it is a case of political violence, but rather because the case itself is interesting. This is somewhat of a backward approach compared to the “textbook approach” of case studies (see Yin 2009, George and Bennett 2005, Gerring 2007). By convention, cases should be chosen after the general phenomenon is picked. From this point of departure, the focused study of a given case should be seen as a purposeful effort “at least in part – to shed

light on a larger class of cases” (Gerring 2007: 20).<sup>27</sup> My approach is, however, in line with Bryman's (2004: 50) definition of a case study. He reserves the term 'case study' to studies where “the 'case' is the focus of interest in its own right”. According to him, the case study's aim is to elucidate the uniqueness of that case, and not to infer to a larger population of cases, as opposed to the generalizing ambition of the case study implied by Gerring. Yin (2009: 47) also defends the study of a single case, simply on the basis of the case's extremity or uniqueness. He suggests that case studies are particularly suitable when wanting to understand a "real-life phenomenon in-depth, but such understanding encompasses important contextual conditions" (ibid: 18), meaning there is an entangled relationship between phenomenon and context.

George and Bennett (2005: 75-6) distinguish between six types of case studies<sup>28</sup>, and mine fall into the category of disciplined configurative case studies, or interpretive case studies (see Lijphart 1971). These studies use established theory to explain a case, and can to some degree also be regarded as theory-testing case studies (George and Bennett 2005: 75). My second research question explicitly asks whether Lichbach's theory is suitable for explaining increase in settler violence. This case study is, however, not a theory-testing case *per se*, as the purpose of the thesis is not to test the theory, but rather to understand the phenomenon. Researchers approach political issues "in terms of largely implicit conceptual models that have significant consequences for the content of their thought" (Allison 1969: 689). In line with Allison's (1969) notion of "conceptual lenses", the theory is not targeted for testing but rather utilized as a guide towards a satisfactory explanation of the increase in settler violence. Since previous work on radical settlers cannot account for the present phenomenon, new lenses are required.

The lack of possibilities to generalize from a single case to a larger population of cases (Lijphart 1971, Geddes 2003) is a general criticism of case studies. With only one case one cannot generalize with any statistically defined degree of certainty. Still, a single case can contribute to shed light on causal connections and conditions for a certain chain of events. The possibility for theory elaboration thereby counts as one of the evident strengths of the case study. As a parallel to Allison's (1969) study of the Cuba crisis; if the analytical model

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<sup>27</sup> However, Gerring (2007: 187) writes of "single-outcome studies", which he does not regard as case studies, them not being cases of larger groups of cases, but which are comparable to this notion of case studies.

<sup>28</sup> These are atheoretical/configurative idiographic case studies, disciplined configurative case studies, heuristic case studies, theory testing case studies, plausibility probes and "building block" studies.

presented in chapter 3.5 is in fact applicable on this case, not only does it contribute to enhanced understanding of settler violence – it also strengthens the theory utilized.

## **4.2 The data**

The method for data collection is qualitative analysis of texts and documents, supplemented with information obtained from informal conversations with settlers. The written empirical evidence used in this thesis is both official documents and the Israeli news media. Official reports from the UN Office for Humanitarian Affairs (OCHA), the Foundation for Middle East Peace (FMEP) and the Israeli NGOs B'Tselem, Yesh Din and Peace Now constitute a large portion of the data. These reports include both incidents of settler violence and as aspects of the political system relevant for the study. In addition, this thesis relies on official documents from the Israeli state, such as documents presenting the official stand of the State, or reports written by special investigative committees on request from the Israeli government. Because this phenomenon is a contemporary one, the Israeli news media is a crucial source of information both in order to obtain a broader picture of the scale of violence and to get insights into the political process, as Israeli media frequently report on legislation changes, proposed laws etc.

### **4.2.1 Official documents**

Official documents can be biased, and this needs to be taken into consideration (Bryman 2004: 387). As George and Bennett (2005: 100) notes, it is important to be aware what is being communicated, meaning “who is speaking to whom, for what purpose and under what circumstances.” Any text used for the purpose of research needs to be seen in light of its specific context in order to be understood and analyzed. The motives of the person or organization in question need to be considered, and extensive knowledge of the agenda of the organizations and newspapers used, makes avoiding the possible pitfalls easier. Official documents could also be biased since the issue at hand is a sensitive one with many distinct interests. It is important to be aware that the writers of the documents derived from private sources, such as organizations, have certain views they want to communicate.

In order to map the scale of the violence, all OCHA weekly briefing notes from 2002 have been analyzed. These notes report on incidents of humanitarian interest that has occurred in the Occupied Territories. There are a number of challenges connected to these reports. Firstly, the format of the reports has changed several times over the years, and this has affected what is being reported. Until 2008, all incidents were reported as bullet points with clear facts of place, people and injuries. From 2008, the reports got a new format where “settler violence” was one category, but every single incident is no longer specifically reported. In 2010 OCHA stopped reporting evacuations of outposts, and a quick search in media archives also show that such incidents have not been reported comprehensively earlier either. This raises the concern that the reports are selective, and hence need to be supplemented. Another source of concern is the bias towards the Palestinians. In the event that a Palestinian is responsible for injuries on a settler or settler property, an explanation of the attack often follow, whereas in the cases of settler violence such a context is not always given. This could indicate that the settler attacks are always unprovoked, or it reveals a bias. This bias is in itself not problematic, and it is also understandable, as OCHA's mandate is to monitor the humanitarian situation in the Occupied Territories, which means reporting on problems caused by the occupational power on the occupied. It might, however, affect the reporting which makes it difficult to assess which attacks are which kind of attacks; unprovoked or retributory.

The data from OCHA is supplemented by data from FMEP and Israeli NGOs operating in the area. B'Tselem is considered a far left-wing organization, and also to some degree anti-Zionist. Reports from this organization are hence used with some caution. Breaking the Silence, Peace Now and Yesh Din are considered more mainstream leftist.

There is a lack of right-wing organizations working with the topic. I have tried to balance the data with reports and papers from right-wing organizations, but these are really hard to get a hold on. Many do not exist online; in neither English nor Hebrew versions and the offices have not been very responsive. I have been able to get a hold on some material, but in many cases I have relied on the news media's coverage of relevant reports, as well as interviews with chairmen from the organizations.

The thesis relies heavily on news data acquired from different news sources, all with different agendas. The news items are used in order to map the scale of the violence, the scale of evacuations and other events of interest, such as new legislation or proposed legislation. Most of the pure news cases are derived from *Haaretz* or *Yediot Aharonot*. The latter is Israel's

largest newspaper and is considered to be centrist in terms of political affiliation. *Haaretz* is located on the left of the political ideological spectrum. It is regarded as a serious newspaper, but the news items they choose to cover is probably to some degree determined by its political stand. I do not regard this as problematic, as its news items are used for acquiring information about events. Because of its ideological stand, it covers issues relevant for this thesis more widely than other newspapers, but it is perceivable that not all angles of the case are exposed. Because of this I have cross-checked cases reported with the conservative pro-settlement media station *Arutz Sheva*, which is biased in the opposite direction. Also, since there is a lack of national-religious organizations, *Arutz Sheva* is an important source for obtaining information about the views of the settlers.

There is always a possibility that the data utilized lead to bias in the analysis, but through combining documents from settlement friendly organizations, the state of Israel, human rights groups and news media, I have taken steps in order to avoid any serious bias.

#### **4.2.2 Informal conversations**

Although written material constitutes the main sources for the analysis, I have had several conversations with national-religious settlers in order to get the “local view” on the situation, as well as to discuss the findings in the written material. The lack of right-wing organizations influenced this choice of data.

The settlers I spoke to live in the settlement Shiloh. The choice of the settlement was based on three factors. First, it was crucial to find a settlement that is associated with settler violence. Shiloh’s nearby outposts Kida, Adei Ad, Esh Kodesh and HaBayit HaAdom have all been mentioned in OCHA reports on settler violence. It was also important to find a settlement, or an area, that has been associated with violence recently. This is the reason why settlements such as Hebron or Kiryat Arba, which are usually associated with settler violence, have not been considered. These settlements have been associated with violence since their establishment, and are hence not interesting for the problem as presented in this thesis.

Second, Shiloh is a pure national-religious settlement and all prospecting inhabitants of the settlement need to prove that they are religiously observant before they are allowed to join the community. Shiloh has strong religious importance, as it was the religious capital of Israel 300 years before Jerusalem. According to the Bible this was the place where the barren

Hannah prayed for a son, became pregnant and gave birth to the first of the modern prophets, Samuel. The settlement was one of the first to be established, formally opened by Rabbi Kook jr., and is of strong symbolic importance to the national-religious camp – like Hebron is. It is located far inside the West Bank in an area that will never be part of Israel in the case of a two-state solution. Third, accessibility of informants is crucial, and among the settlements I contacted, Shiloh had the most responsive inhabitants. The method of snowballing<sup>29</sup> was used in order to find informants, and the residents of Shiloh were very helpful finding a wide range of people that was willing to share their views.

I spoke to 15 inhabitants of Shiloh. The conversations took place in very informal settings over a weekend spent in the settlement. The topic was discussed over dinners, lunches and walks, but bore resemblances to semi-structured interviews, as a list of topics to be discussed was prepared beforehand. The reason why these conversations took the form they did, and not as proper interviews, is that I was invited to speak to the settlers over a weekend, and halakhic rules forbid the administration of electronic devices on Shabbat. Hence, the information from these conversations was preserved in notes.

The age of the people I talked with varied from early twenties to late sixties, and the group consisted of both conservatives and liberals. The aim of the talks was to obtain a first-hand account of the situation, their views on the official reports and their beliefs about the possible motivation of the radical settlers for engaging in violent behavior. Since the theoretical framework assumes rationality on behalf of the settlers, the way they perceive the situation can shed light on the research question (Packer 2011: 43).

## **4.3 Strengths and limitations of the design and method**

Qualitative research is often met with criticism from researchers conducting quantitative research. The criticism usually addresses the difficulties to generalize, where this is an expressed goal, and problems regarding validity and reliability due to issues of subjectivity connected to data collection and analysis. It is held that large-N analyses can yield more valid

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<sup>29</sup> Snowballing is a sampling method where a few informants are located by the researcher, and these are asked to provide more informants using their network (Babbie 2010: 208).



findings, as they are taken from a representative sample of a specified universe that the findings can be inferred back to. The case study, dealing with only one or a few cases cannot provide this kind of knowledge, as discussed above. Lijphart (1971: 691) states that “science is a generalizing activity” and ranks the case study as a research design at the bottom, based on scientific value.

Like with qualitative case studies as research design, qualitative data analysis has been met with extensive criticism from the quantitative camp. The most common criticism is that the reading of documents is necessarily subjective, and cannot give truthful accounts of a phenomenon. In the words of one such critique, the findings of most such analyses are "conjectural, non-verifiable, non-cumulative, ‘meanings’ (...) arrived at by sheer intuition and individual guesswork" (Cohen, 1974: 5, cited in Wesley 2010: 4). Because of such attitudes towards qualitative research, several rules of research have been developed, addressing issues of credibility and reliability, although referred to with a multitude of different names. Below follows a discussion of the strengths and limitations of the case study design, as well as of qualitative data analysis, which is the analytical tool used in this thesis.

### **4.3.1 Validity**

As noted, Gerring's definition of a case study implies that the researcher has a generalizing ambition. George and Bennett (2005: 5) have a similar definition, but are more cautious when it comes to generalization, and write "(...) may be generalizable to other events". External validity is indeed one of the most pressing limitations of the qualitative case study method. As commented, a single case can neither confirm nor disprove an established theory. Still, as Lincoln and Guba (1985, cited in Bryman 2004: 275) argues, to what extent findings from a specific context will hold in a different context or different time is an empirical issue, and the researcher cannot, based on one case, determine whether the findings can be transferred to other settings. Instead, the researcher should provide "thick descriptions" of the phenomenon, meaning describing the case at hand in an extensively detailed way, highlighting in-depth research and conceptualization rather than attempts to generalize with non-definable uncertainty. The goal of this thesis is not to make generalizable findings, nor to provide “thick descriptions” in the traditional sense of ethnographic description and theorizing (cf. Geertz 1973). The case of settler violence is unique, as the political situation in the Occupied Territories is unlike any other place. Still, this thesis is a semi-testing case; if the theories of

Lichbach, Gurr and Sprinzak are useful for understanding the phenomenon at hand it is likely that they can also explain other cases of civil violence. However, that will be up to other students or researchers to assess (Wesley 2010: 5). What this thesis aims at is enhancing the comprehension of the phenomenon of settler violence, identifying causal links but not generalizing the findings to other cases of political violence.

This is a central strength of the qualitative case study; internal validity. It is the general trade-off between quantitative and qualitative approaches: Statistical analyses are strong when it comes to external validity, but rather weak regarding the understanding of causal chains. Quantitative analyses can assess the causal *effect* of one variable on another, but cannot assess the processes that lead to this relationship (George and Bennett 2005: 22, 25, Gerring 2005: 47). As Yin (2009: 19) asserts, a strength of the case study is that one can explain correlations that are too complex to be revealed from surveys or experiments. Case studies are particularly advantageous when exploring the “hypothesized role of causal mechanisms in the context of individual cases” (George and Bennett 2005: 19), that is when exploring whether state policies do influence the tactics of the radical settlers and whether the notion of a political iceberg can enhance our understanding of the relationship between state policies and settler tactics.

Another concept of validity is what in the quantitative-positivist tradition is known as “measurement validity”. This refers to giving an authentic account of the information in the data. In qualitative document analysis this is more often referred to as “credibility”, and is not as concerned with giving an exact truthful account of the information found in the documents as it is of providing a believable interpretation of the meanings found therein. This means that it is up to the reader, the analyst, to give his evaluation of the text, and not try to strive to give an objective account (Richerson and Boyd, 2004: 410-411).

### **4.3.2 Reliability**

For a study to have high reliability it is necessary for the procedures of the research to be clear, so that the study can be replicated with the same results (Yin 2009: 40). In order to secure this, the way the data has been collected need to be accounted for, as was done in the previous section. In the interpretivist tradition the term “dependability” is often used to describe the precision of the research, rather than reliability, as the latter is often associated with inter-coder testing (Wesley 2010: 5). Replicability in the strict sense is not of concern for

this tradition, but rather that the readers can assess the accuracy of the findings by asking if they would have reached the same *general conclusions* if they would have read the same documents under similar conditions. A high level of reliability is thus dependent on impartiality on behalf of the researcher. It is necessary that the knowledge produced is relatively unprejudiced. Qualitative research is the “objective study of subjectivity” (Packer 2011: 16). However, in the interpretivist tradition it is acknowledged that complete objectivity is not possible. Because of this, it is necessary that the inferences drawn from the data are traceable to the documents (Wesley 2010: 5), basically meaning providing correct citations and references.

A problem arises when dealing with the informal conversations. Like more formal interviews, one cannot assume that another interviewer will get the exact same answers, as the setting for the conversations is crucial for such semi-structured interviews. The personal chemistry between the interviewer and the interviewee will always influence the answers given, and that is also the case for my conversations. However, the information obtained from these talks does not constitute a large part of the data and have mostly been used in order for my own reflection process to evolve.

Case study research has its weaknesses, as do all research designs. I regard the qualitative case study design to be a good approach for studying settler violence, since my aim is not to test the degree of correlation between variables, but to undertake a thick and holistic investigation of the phenomenon in order to explain causal connections (cf. Gerring 2007: 49).

## 5 Non-violent and violent tactics

In the fight for the settlements, mostly non-violent tactics have been utilized. Since the settlers are regarded as rational actors, the increase in settler violence is understood as a *change in tactics* for some settlers. This chapter will discuss the non-violent and the violent tactics of the settlement movement in general and the radical settlers in particular, as the mainstream settlement movement for most part does not participate in violent acts.

As stated in chapter 3, religion and ideology are regarded as underlying necessary variables. This will be treated in section 5.1 where the legacy of the Gush Emunim ideology will be discussed as an important factor shaping the “political iceberg”. Section 5.2 presents and analyzes the reports on settler violence from OCHA, and argues for the division of settler violence into three categories, as there are different reasons for the increase in the different types of violence. The non-violent and violent tactics will be discussed in light of the theory presented, but the data presented in this and the subsequent chapter will be discussed more systematically in chapter 7.

### 5.1 Non-violent tactics

Since the state was deemed sacred by Gush Emunim, mostly non-violent means of protest and disobedience was used (Sprinzak 1993: 471). They also used the state apparatus in order to reach their settlement goals, and were organized and actively involved in government affairs, with affiliations with representatives in the Knesset and extensive lobbying as part of their tactic (Sprinzak 1986). Such participation could benefit the settler cause, which also, in the last instance, meant benefiting God's cause. The settlement movement still swears by non-violence as their main tactic, although some of the tactics are illegal, such as the establishment of outposts. The enabling factor for these illicit activities is the large number of settlement sympathizers found in the Israeli political system.

#### 5.1.1 The “political iceberg” and the establishment of outposts

In his analysis of Gush Emunim, Sprinzak (1981) asks how, in the seventies, this small group was able to “cast its shadow over the government of Israel and to get it to do things to which

it was initially opposed?” He explains this with the existence of a large cultural and societal “iceberg” supporting the more extremist tip. This is still the case in Israel. Although Gush Emunim does not exist anymore, its heritage is still of magnitude. According to Newman (2005: 193) Gush Emunim “provided the underlying *raison d’etre* for the right wing non-withdrawal positions throughout the thirty years since the inception of the movement”, as it represented the beginning of the organized national-religious movement. Although the strongly national-religious settlers still only make up around 20 percent of the settler population, their support spans much wider. Using security arguments, they have been able to stir sympathy also in the secular population. The Oslo Accords brought Arafat back to the region and with him increased suicide bombings and terrorism. The conclusion drawn by the settlement movement, which has influenced the secular Right, is that the Palestinians do not really want peace, and territorial concessions will only make the situation less safe (ibid: 198). The Hizb’Allah takeover in South Lebanon after the Israeli withdrawal in 2000 and the Hamas takeover in Gaza after the 2005 disengagement have further strengthened these arguments.

The Yesha Council has since its establishment been led by former Gush Emunim activists, despite the national-religious settlers making up only around 20 percent (Allen 2005: 11), and this continuity has strengthened the process of what Haklai (2007) calls “penetration of the state system”, meaning, among other things

“(…) having members of the group appointed to various positions of decision-making and implementation capacities; having officials whose loyalty to the laws of the state is matched or surpassed by sympathy to the social movement’s objectives appointed to influential positions in the public administration; or identifying such existing officials and building alliances” (Haklai 2007: 718).

Today, people sympathetic to the settlement cause are found in a number of influential positions from the top political level to lower executive officers (Sason 2005), making up an “iceberg” from which it has been possible to “advance the political objectives of settlement with the use of public sector resources” (Newman 2005: 195, see also Anat and Asher 2005, chapter three).

One prominent example of this is the Housing and Construction Ministry, which has frequently been headed by settler friendly ministers. According to Haklai (2007: 729) this post has been central in negotiations upon entering coalitions for all right-wing parties. Once in office, sympathetic officials have not been shy to appoint allies to central positions, such as the appointment of Avi Maoz, former Amana<sup>30</sup> activist, to director general of the Rural

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<sup>30</sup> Amana was the settlement branch of Gush Emunim.

Construction Administration, the part of the ministry that deals most directly with the settlements. After leaving his post in the Administration, Maoz raced for the head of the Binyamin Regional Council, but lost (ibid: 730). Another example is the adviser to the Minister of Defense, Ron Schechner, who got this appointment after serving as head of the Hebron Mount Regional Council. He has advocated the practice that wherever there is an Israeli civilian, he is entitled to protection (ibid: 732).

That some of the political branches are not completely autonomous from the settlement movement can have serious, even illegal, consequences:

“Sympathetic officials can influence policy using legal means at their disposal. They can also turn their heads the other way when required to enforce rules that contradict the group’s objectives and, providing they feel secure enough in their positions, may even use public resources under their authority to assist the activists in violation of formal government policies. Well-thought penetration would target those agencies that are responsible for executing policies pertaining to the organized societal group” (Haklai 2007: 718).

This problem is evident in the case of the unauthorized outposts; illegally built settlements. Today around 100 outposts exist (Sason 2005: 8; Peace Now 2011). This is one prominent example of a nonviolent, yet illegal, tactic, and it has proven to be very successful.<sup>31</sup>

Building an under Israeli law legal settlement is a long bureaucratic process. First, governmental approval is necessary (B'Tselem 2010: 13). Further, the settlement needs to be built on Israeli state land, meaning no construction can take place on private Palestinian land. Such assurance and permission to build on the given land is issued by the Custodian for Governmental and Abandoned Property in Judea and Samaria, but has since 1996 also required the approval of the Minister of Defense (B'Tselem 2002: 21). Only with this permission can the building scheme be approved by the Supreme Planning Committee of the Civil Administration, which is necessary in order to obtain building permits (Sason 2005: 4). Lastly, the bounds of jurisdiction need to fall under the Commander of the area, and an inclusion of a new settlement to a jurisdiction can only happen after the Commander receives an approval from the relevant political echelon, which can only happen after all the above-mentioned criteria are met (ibid: 5).

Since none of the outposts have been given any official recognition by the government, the settlers have had to circumvent the law. This has in many instances happened precisely with

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<sup>31</sup> It can naturally be discussed whether outpost building, or illegal overtaking of land for other purposes, should be regarded non-violent. However, according to OCHA reports and the Sason report, the establishment of outposts have happened without the physical pushing of Palestinians off the land, as the area, although often under Palestinian ownership, is not being directly used by the owner at the time. As such activity is not regarded as settler violence by OCHA, it will be treated as a non-violent tactic in this thesis.

the cooperation of various state agencies. According to an official Israeli government report, the Sason report of 2005, the Ministry of Construction and Housing, the Settlement Division of the World Zionist Organization, the Ministry of Defense and the IDF have all been involved in construction of illegal outposts. These authorities, which have legal power in the West Bank, have been using their power unlawfully (Sason 2005: 9). For example, in 2001 the Ministry of Construction and Housing created a new budgetary post called “general development misc.”, a post that had no defined criteria for spending. In 2001 17 million shekel<sup>32</sup> was used from this post in order to build illegal outposts. In 2002 the amount of money spent was 34 million shekel<sup>33</sup> (Sason 2005: 14). Other examples are employees in the various units giving building permits without the needed signatures (Sason 2005: 18), failing to report illegal construction activity (ibid: 20) and individuals in the military establishment turning a blind eye when they see caravans driving up to hilltops in the middle of the night (ibid: 21). In addition, as Israeli law requires the military to provide security to any Israeli, IDF soldiers are placed in the vicinity of the outposts, even though the Israeli in question is there illegally. If IDF soldiers are to be stationed there, there has to be lights for security and a water basin. Soon a road will also be built for the jeeps to be able to drive there. Shortly, the outpost will be connected to both electricity and water, and a functioning community has been created (ibid: 25).<sup>34</sup>

The cooperation from officials have allowed some outposts to develop into full-fledged societies with a large number of permanent structures, such as Bruchin, Givat HaBracha and Migron which have populations of 350, 300 and 200 respectively (Peace Now 2012a). Many of these outposts are unlike the popular image of outposts, which is the one associated with the Hilltop Youth's tiny communities with no permanent structures, with less than 10 families or even just a group of young individuals residing there. As mentioned, most of the outposts were established in the late 1990s and early 2000s, before the phenomenon of Hilltop Youth

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<sup>32</sup> Approximately 4.5 million US dollars

<sup>33</sup> Approximately 8.7 million US dollars

<sup>34</sup> Since not all officials in the required departments and agencies are sympathetic to the settler cause, or at least not to the degree that they are willing to break the law, some of the illegal outposts have been established through sheer deception. In several instances settlers have falsely requested permits to build antennas, educational institutions or agricultural farms, which under some circumstances are attainable. When permits are given under false pretense, and water, electricity and other facilities are given, the outpost slowly starts to expand as caravans and people arrive and settle (Sason 2005: 8-9). Another way is to claim that an existing settlement is expanding, giving the new outpost the same name as the mother settlement, making it look like money is being requested for a new neighborhood needed to meet the demands of “natural growth”. Different authorities then finance the expansion of the old settlement, with the belief that the funding is going to the mother settlement, when in fact the money is sent to the new outpost (ibid: 9).

had come into existence (see Peace Now no datea), but attempts to establish new outposts today are made by this younger generation. The Hilltop Youth are enjoying the support of the “political iceberg” that has grown and consolidated itself over the years, and are continuing the mission of settling the land. The building of the illegal outpost serve the same purpose as the building of the, under Israeli law, legal settlements. It ensures that the biblical and historical Israel is under Jewish control; that Jews inhabit the God given land. Through this method settlers have been able to get a hold not only of strategically important places, as these outposts tend to be built on hilltops, but also farmlands for agriculture. The outpost enterprise has proven both effective and cost-efficient, as the chances of getting away with illegal activities are high, since many people in the system are sympathetic to their cause, as the level of law enforcement in the territories is very low, which will be thoroughly discussed in section 6.1.

Land grab, or agricultural infiltration as it is also sometimes called, is another non-violent tactic used by the settlers. It is the practice of planting crops on privately owned land, fencing farmlands or leveling lands that belong to Palestinians. Such incidents are rarely acted against, and hundreds of dunams have been taken over by these means (see OCHA-reports 2002-2011). For instance, in 2011, 13 such incidents were reported by OCHA (see weekly reports 2011), but only in one did Israeli forces intervene and evict the settlers from the area. Through this tactic outposts and settlements are expanded. This is also a way illegal outposts are established, as settlers start leveling land not owned by them and eventually place caravans on it. It should be noted that not all illegal outposts are built on privately owned Palestinian land. Still, according to Peace Now (no datea), over 80 percent of the outposts are built completely or partially on private Palestinian land. The land laws operating in the West Bank<sup>35</sup> might encourage such land seizure. It can prove very effective as it can lead to land changing hands, especially if the owners are not able to produce evidence of ownership, which is a problem for many land owners (B'Tselem 2002). It should also be noted that agricultural infiltration can be connected to violence, as violence and harassment can enable the overtaking. This is dependent on the land in question. Barren land is usually taken over

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<sup>35</sup> Three types of land ownership are relevant for the situation in the West Bank; *mulkh*, *miri* and *mahlul* land. *Mulkh* land is land owned in the Western sense of private property, where land can be transferred to other people without government involvement. *Miri* land is the most common land type. This is land that is leased from the government, meaning Ottoman state land that was taken over by the Israeli state when it was established. If a person works undisturbed on *miri* farmland for ten consecutive years, he may acquire ownership of the land. However, if the land is not cultivated for three consecutive years, it becomes *mahlul*, meaning *miri* land that has reverted back to the Crown. *Mulkh* land will also become *miri* land if the owners die without any heirs (*Ottoman Land Code of 1858*).



without the use of violence, but attempts to take over cultivated land or areas with water resources that the local Palestinians themselves utilize on a regular basis are often met with resistance.

It can be argued that the building of outposts is in fact a tactic on grounds of the timing of construction activity peaks. Looking at when the different outposts have been established reveals a clear pattern: In times of peace negotiations, construction spurs (see data sheet, Peace Now no date<sup>a</sup>). This indicates that settlers deem it necessary to create facts on the ground before a final deal is struck.

The number of attempts to establish new outposts in the period of study seems to have decreased as violence has increased.<sup>36</sup> In 2007 29 attempts to establish new outposts or reestablish evacuated ones were reported. Only one attempt was successful. In 2008 only three such incident were recorded, whereupon none were successful (OCHA weekly reports 2007-2008, FMEP 2007*b-g*, 2008*a-e*). Of the 29 attempts recorded in 2007, six were in the evacuated settlement of Khomesh, a settlement evacuated in 2005 as part of the disengagement. But even though the use of the non-violent tactics has subsided over the years it has not ceased completely. As the attempts to establish new outposts diminished, the construction in the outposts increased. For instance, in 2007 91 new structures were built in outposts, and in 2008 this number rose to 261 (FMEP 2009*a*).

In line with the idea of the existence of an “iceberg” is the broad support the hilltop communities enjoy from the nearby settlements, although this show more to the less surprising existence of a “cultural iceberg”. Settlers I spoke to informed me that since many of these communities are too small to make a *minyan*<sup>37</sup>, people from Shiloh alternate on traveling to the outposts on these occasions. This indicates that larger parts of the settler community are supportive of the illegal activities of the Hilltop Youth, even if they do not take part in such activities themselves. They support the pioneering activities of the younger generation and many do not see the problem. They argue that the hilltops are empty and the land is not cultivated, and thus it is only good that the youths use it.

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<sup>36</sup> This claim is made on the basis of the information obtained from OCHA, FMEP, Yesh Din, B’Tselem and Peace Now, as well as from news media.

<sup>37</sup> The group of at least ten males above the age of 13 required for praying on Shabbat and other religious holidays.

### 5.1.2 Influencing the political party system and the IDF

The “penetration” of the state system is also evident in the political party system. As sympathizers of the Greater Israel cause tend to enlist with the secular nationalist parties, such as Likud, the settlement movement has worked towards influencing factions of parties from left to right. One example of this is *Manhigut Yehudit* (“Jewish Leadership”), which was established in 1998 as a response to the perceived diminished political influence and pressure of the settlement movement (*Manhigut Yehudit* no date). Manhigut Yehudit's stated purpose was and is to recruit large number of religious Zionists and have them “join the Likud, vote Likud and become an integral part of this Jewish majority party” (ibid). The movement has been quite successful in enlisting its members, and made up 8 percent of the Likud voter base in 2006. More impressively, Manhigut Yehudit managed to have 130 of its members elected into the Likud Central Committee by the summer of 2005 (Haklai 2007: 733). Although it is unclear exactly how much Manhigut Yehudit has influenced Likud, today Likud's platform promises to “[safeguard] the right of the Jewish people to the Land of Israel as an eternal, inalienable right, working diligently to settle and develop all parts of the land of Israel, and extending national sovereignty to them” (*Likud Constitution 2006*). The settlement issue is not mentioned more specifically in the party constitution, but Likud's national security platform states that “there cannot be any unilateral withdrawals in the future. Any area that the IDF evacuates will be taken over at once by the Hamas, and every withdrawal will broadcast a message of weakness and surrender” (*Likud National Security Platform 2009*).

The legacy and the ideology of Gush Emunim is also found in several other political parties, most clearly National Union and HaBayt haYehudi; pure national-religious parties. But also parties such as Yisrael Beiteinu and Shas, not adhering to a national-religious ideology, have strong sympathies for the settlement movement. Yisrael Beiteinu is a right-wing party who calls for its own type of disengagement which includes redrawing the borders: “[t]he responsibility for primarily Arab areas [in Israel] (...) will be transferred to the Palestinian Authority. In parallel, Israel will officially annex Jewish areas in Judea and Samaria. Israel is our home; Palestine is theirs” (*Yisrael Beiteinu Platform*).

Shas, a Sephardic ultra-orthodox party, opposes settlement freeze (Guttman 2011) and has stirred controversy on several occasions due to statements made by its spiritual leader Ovadia

Yosef.<sup>38</sup> As a response to the announced settlement freeze, the party's political leader and Interior Minister Eli Yishai publicly stated that Shas would not allow the government to “dry out the settlements”,<sup>39</sup> and has later urged the government to “keep their hands off settlements and outposts”.<sup>40</sup> The opposition to evacuating outposts is especially interesting, as these are considered illegal also under Israeli law.

The “national camp”, as the settlement friendly parties are known as, has had great success in the past decade. It made up a large part of the Kadima led government from 2006-2009 and the majority of the Netanyahu led government in the time period this thesis covers. Due to the unusually low threshold of only 2 percent, the Israeli political system is highly factionalized. In the 2006 and 2009 elections respectively, 31 and 33 parties ran, with 13 parties gaining seats in the Knesset in both elections. Because of this, broad coalitions have been the norm and necessary in order to create majority coalitions. This also necessarily involves making large concessions, which means that small parties have had a disproportionally high degree of leverage in Israeli governments. This has benefited the settlement movement.

According to a data sheet provided by Peace Now (no date<sup>a</sup>) more than a third of the existing outposts were built during the first Netanyahu government (1996-1999), and almost half during Sharon's rule (2001-2006). 18 outposts were established while Barak was prime minister (1999-2001). The first Netanyahu government was predominantly right-wing, and relevant ministerial posts such as Minister of Housing and Construction, Minister of Transport and Minister of Infrastructure, were occupied by politicians from settlers friendly parties (see Knesset 1996). The same is true for the Sharon government, especially after Labor quit the coalition in 2002 (see Knesset 2001). Also during the more left-wing government of Barak such crucial posts were held by ministers from settler friendly factions, such as Likud's Yitzhak Mordechai who served as Minister of Defense and Minister of Transport, the National Religious Party's Yitzhak Levy who served as Minister of Housing and Construction and Shas' Eli Suissa who served as Minister of National Infrastructure<sup>41</sup>

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<sup>38</sup> For instance, Yosef has called for the annihilation of Arabs, saying “they are evil and damnable” (BBC 2001), and stated a wish that “all the nasty people who hate Israel, like Abu Mazen (Abbas), vanish from our world” (BBC 2010).

<sup>39</sup> *Haaretz* 06.03.09

<sup>40</sup> Interior minister Eli Yishai is responsible for authorizing expansion of settlements and has resisted settlement freeze (*Jerusalem Post* 10.27.11). He has also taken part in a controversial visit to Joseph's tomb in Nablus, and called for a future Israeli presence there, asserting that it is Israeli and should belong to Israel (*Arutz Sheva* 11.24.11, *Yedioth Aharonoth* 11.24.11).

<sup>41</sup> Suissa left this post in 2000 when Shas withdrew from the coalition. He was replaced by Labor's Avraham Shochat.

(Knesset 1999). However, Levy left his post after the Camp David summit of 2000 and was replaced by Labor's Binyamin Ben-Eliezer. This means that the above-mentioned “general development misc.” post was established while a Labor minister ran the ministry, which again shows that the left-right divide is not clear cut in Israel, and that the Labor party also has had settler sympathetic ministers.

The Greater Land of Israel ideology has also been successfully disseminated to future generations of adherents through a network of public sector schools and educational institutions. One important remnant is the hesder yeshivas; religious schools combining Talmudic studies and army service, making it possible for religiously observant Jews to do their duty in the IDF. As of 2007 42 hesder yeshivas existed (Haklai 2007: 729).

The vast majority of the hesder yeshiva students become combat soldiers in the West Bank (ibid), which means that soldiers that might be ideologically supportive of the illegal activities are stationed in these areas. This could be one of the explanations for the help the establishments of the illegal outposts receive from the military, as described in the Sason report. The organizational pattern of the IDF is made in such a way that the hesder yeshiva students make up their own units in the army, meaning that there will be entire units with a shared social background and ideological beliefs (see IDF no date). These soldiers might even have studied in illegal outposts, as some of them host such yeshivas. The organizational structure also means that there will be units made up solely of soldiers that come from the socialist youth movements (the Nahal Brigade), who traditionally, if not always, are left-wing and critical towards the settlement enterprise. This could produce inconsistent policies on behalf of the IDF, as one unit will provide the illegal outposts assistance, while another will refuse (Haklai 2007: 730). It also means that some units will try to repress settler violence while others will not. The military units represent the State on the ground, and are thus important to take into account when analyzing inconsistent state policies as an explanatory factor for settler violence.

The number of national-religious people in the army ranks is increasing (Tepper 2010). At the same time fewer and fewer secular Israelis enlist.<sup>42</sup> One should, however, be careful not to exaggerate this trend, as being a national-religious soldier is not synonymous with being Hardali. Many of the national-religious joining the army consider the IDF an important pillar

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<sup>42</sup> See also numbers from IDF cited in cited in *Jerusalem Post* 11.18.11

of Israeli society. Still, according to testimonies from soldiers stationed in Hebron, many of the settlers in the city did a sort of social and religious outreach to the religious soldiers, becoming close to them personally, possibly causing a conflict of interest (see *Breaking the Silence* 2011a). Several testimonies collected by the NGO *Breaking the Silence* bear witness to such situations (see *Breaking the Silence* 2011a; 2011b). Also, in the fall of 2011 two soldiers were convicted of having passed classified information on evacuations to radical settlers who later attacked an army base.<sup>43</sup>

Further, in recent years religious soldiers have increasingly refused to participate in evacuations of outposts.<sup>44</sup> This has spurred a wide public debate in Israel on the problem of disobedience. A number of rabbis have openly encouraged religious soldiers not to obey orders of evacuation stating it is "inconceivable that Israel Defense Forces soldiers or Israel Police would participate in the "immoral razing of settlement outposts".<sup>45</sup> The head of the Har Bracha Yeshiva, Rabbi Eliezer Melamed, even went as far as writing a book distributed to all his graduates stating that soldiers are not allowed to participate in evacuations.<sup>46</sup>

### **5.1.3 Non-violent protest and the Gaza disengagement**

Apart from the illicit settlement operations, the outward activism of the settlement movement has since its inception mainly been limited to demonstrations, and usually peaceful ones. Gush Emunim organized a number of demonstrations for publicity purposes, and hence they normally did not collide with security forces, and left the areas when requested to do so (Sprinzak 1986). This non-violent tactic has paid off, as is evident in the widespread public and political support enjoyed by Gush Emunim, with such prominent political figures as Menachem Begin, Yigal Hurwitz and Geula Cohen<sup>47</sup> participating in the demonstrations. Gush Emunim's focus on public relations reached a peak after the infamous March on Sebastia in 1975, whereupon the Ein Vered Conference was held (see Weisburd 1989, chapter one and Gorenberg 2006, chapter eleven). A large number of prominent figures from the Labor settlement movement proclaimed their support for Gush Emunim, and it became increasingly clear to the Rabin government that the opposition was broad and not limited to the radical right (Sprinzak 1986).

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<sup>43</sup> *Yediot Aharonot* 01.11.12

<sup>44</sup> See for instance *Christian Science Monitor* 08.08.07; *Haaretz* 11.16.09

<sup>45</sup> *Haaretz* 05.28.09

<sup>46</sup> *Haaretz* 11.18.09

<sup>47</sup> At that time all three were Knesset members for Likud.

The Yesha Council, the successor of Gush Emunim and the political body of the settlement movement, has continued the tactic of non-violence. Although Israeli society prepared itself for something like a civil war, as threatened by outspoken Hardalim (Ben Meir 2005), the Gaza disengagement of 2005 was concluded without any serious violence. The Yesha Council asserted the settlers that they would fight for a solution before the disengagement was carried through, intensely lobbying for an agreement, and large segments of the settler population sincerely believed that the evacuations could be avoided (ibid). The Yesha Council urged the settlers to protest peacefully, as they believed this would enhance their chances of getting through to the political leadership.

Following the encouragement from the Yesha leadership, the settlers mostly followed a policy of non-violence. Instead of violently resisting the evacuation, they tried to win the hearts of the soldiers, hugging them and begging them to disobey orders. They tried to appeal to the soldiers' Jewish consciousness, as well as insulting them, but all without physical violence. Protest songs were also extensively sung, in protest marches and in camps set up in the settlements. They gathered in groups and prayed for a miracle, and some soldiers even joined in the prayer before proceeding with the mission (Greenberg 2005). Peaceful anti-disengagement rallies were held in Tel Aviv and Jerusalem, as well as mass prayers by the Western Wall. The peaceful protesting did not work, and the evacuation was smooth and quick, and a sense of relief spread throughout Israeli society (Ben Meir 2005).

Despite the failure of the peaceful protest approach in 2005, the Yesha Council is still committed to fighting for their cause with legitimate means. It has condemned settler violence, and stressed that is only hurts the cause of the settlement movement.<sup>48</sup> The insistence on peaceful protesting has continued from the Yesha Council also in connection to more recent controversies over illegal outposts and illegal neighborhoods.

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<sup>48</sup> Former chairman of the Yesha Council condemns violence in article in *Yediot Aharonot* 04.30.10. Current chairman Danny Dayan condemns violence in *Haaretz* 12.13.11.

## 5.2 Change in tactics: Settler Violence

The national-religious movement has since its inception advocated a policy of non-violence both towards Palestinians and Israeli security forces<sup>49</sup>, and has strongly condemned the phenomenon of settler violence. However, with the increase in Palestinian and Arab violence, domestically and internationally in the last two decades of the 20th century, so came an increase in fear and hatred on behalf of the settlers (Carton 2011: 13, Sprinzak 1993: 473), although it is necessary to mention that the very existence of Jewish settlements in the West Bank was at least part of the reason for the increased anger on behalf of the Palestinians. When the Israeli government proved unable to defend the settlers against Palestinian terrorism, vigilante behavior developed in the occupied areas. The settler violence in the 1980s and 1990s was almost exclusively meant defensive or as retribution, except from such extraordinary terrorist attacks signed the Jewish Underground, or Baruch Goldstein's massacre in Hebron (Carton 2011: 15, Sprinzak 1993: 473) and the issues related to the small Jewish community in Hebron's old city (cf. *The Karp Report*). It was a completely different pattern of violence than the one observed today, where violence to a large degree appears as strategic violence.

### 5.2.1 Settler violence: Definitions and typology

Settler violence today can roughly be divided into three categories; vigilante violence, hooliganism and “price tag”. Settler violence is a wide category, entailing a range of actions with varying degree of force utilized. According to the World Health Organization violence is “the intentional use of physical force or power, threatened or actual, against (...) another person, or against a group or community, that either results in or has a high likelihood of resulting in injury, death, psychological harm, maldevelopment, or deprivation” (WHO 2012). OCHA's understanding of settler violence<sup>50</sup>, also includes violence that results in injury of property, but the statistics issued (see table 1) do not include acts of violence that have not resulted in *physical injury* of people or property. In this paper settler violence is defined as a combination of the two: *The intentional use of physical force or power, threatened or actual, against another person or another person's property that either results, or has the likelihood*

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<sup>49</sup> This means that even if friction arose and violent clashes occurred, these were not part of the tactic. The tactic for expanding the settlement enterprise was non-violent, but violence could at times occur as a consequence.

<sup>50</sup> OCHA has not defined settler violence explicitly in any of its reports, but the kind of incidents that are reported under the umbrella term “settler violence” indicates the how the term is understood.

*of resulting, in injury, death or psychological harm.* My definition thus stresses both the intentions and possible injuries, and it includes the harming of property.

The purpose of distinguishing between the three types of settler violence, as mentioned above, is to stress the strategic aspects of the violence. Since I assume rationality on behalf of the radical settlers, vigilantism can not be regarded as strategic violence, as opposed to the two other types of violence, which will be discussed below. Vigilantism will hence not be extensively discussed in this paper. Vigilante violence is violent self-defense by citizens who feel that the government does not protect them from those who threaten them. They take the law into their own hands and believe they are justified at their actions, doing what the government would have done had it been working properly (Sprinzak 1999: 315-16). Such attacks are spontaneous and driven by emotions, rather than rational calculations. Attacks of this nature are, however, part of the statistics issued by OCHA (see table 1), which is why it needs to be commented.

Hooliganism is a pattern of violent street behavior designed to intimidate and act as propaganda. Firearms are rarely used, although it happens, and the goal is not to kill. Rather, fistfights, or in the case of the settlers; stone throwing is common, along with general harassment. Another feature is vandalism and property damage, such as tree uprooting, livestock or pet killing and well destroying (see OCHA weekly reports). The goal is to “take over the streets”, to protest or simply to intimidate weak rivals (Sprinzak 1999: 315). According to OCHA, since 2006 a majority of settler attacks have been carried out by groups rather than individuals (OCHA 2008), a characteristic of hooliganism (Sprinzak 1999: 315), as well as an indicator of rationality. This kind of violent attacks hit random civilian Palestinians, and not infrequently children. Such attacks being planned and part of a tactic is evident in the recurring case of settlers from the Ma'on settlement who harass children on their way to school. Police or IDF escorts have been provided to protect the children, but in every case the escort is late or does not arrive, settlers attack (see for instance OCHA 18-24 March 2009 and 2-8 February 2011).

When analyzing the weekly reports from OCHA, the pattern that emerges is one of more vandalism and stone throwing. Such attacks are weekly, and in periods daily, occurrences and have created an environment of fear among the Palestinian population in the area. In the words of Rabbi Zacharia Sada from Rabbis for Human Rights; “they are afraid the settlers will attack them everywhere they go. If they travel next to a settlement, they are afraid settlers



might come out, destroy the car and smash the windshield, as has happened in the past”.<sup>51</sup> This kind of violence is thus not only problematic because of the injuries or damage it causes, but also because of the psychological harm it inflicts. In some instances this kind of harassment and violence has led to entire Palestinian communities being forced to relocate. One example of this is a community of 127 people that in July 2011 was displaced en masse due to repeated settler attacks, with some affected families relocating to Areas A and B (OCHA 2011). Hooliganism is thus a tactic to push the local Palestinians off the land, so that more land can be directly under Jewish control. In the words of one Hilltop Youth; “We see [the Palestinians] as the occupiers. They are not supposed to be there. They have 22 [Arab] countries of their own. This is our land. The ideal situation is that they should leave” (quoted by Garcia-Navarro 2012).

Since 2006, a new tactic has emerged: The "price tag" tactic. These are attacks that follow evacuations or announced evacuations of unauthorized outposts or illegal settlement neighborhoods, and the Palestinians are paying the price for Israeli policies. As with hooliganism, the nature of the attacks is diverse, and includes torching of fields, uprooting of trees, blocking of roads as well as physical attacks. For instance,

[on] 20 July, the Israeli army demolished several structures in three settlement outposts in Ramallah governorate. (...) In response, Israeli settlers implemented their “price tag” strategy, by attacking Palestinian property. In Turmus’aya (Ramallah), settlers cut down olive trees and threw stones at Palestinian vehicles traveling on road 60 near the village. Further north, settlers from Yitzhar set fire to several dunams of land belonging to the villages of Madama and Tell, south of Nablus City (OCHA weekly report 15-21 July 2009).

It is not completely clear that the rioting in the above-mentioned incident was actually a response to the dismantling in the outpost. It could have been coincidental. In other cases there is no doubt that the attacks are related to state policies:

A group of Israeli settlers entered Yasuf village (Salfit) on 11 December and set fire to the mosque, resulting in damage to the mosque’s library, carpets and loudspeakers. They also sprayed the Hebrew expression “price tag” on the mosque’s floor (OCHA 9-15 December 2009).

Torching or desecration of mosques is usually connected with “price tag”, as well as desecration of graveyards. Since the Palestinians that are victims for this kind of violence are not responsible for the evacuations, the logic of these attacks as revenge attacks can seem a bit backwards. Even though the civilian Palestinians are paying the price, the message is aimed at the government. The declared strategic goal is “to create a major conflagration and a national

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<sup>51</sup> Quoted in *Yediot Aharonot* 04.30.10

trauma by threatening the country of a civil war” (Khalifa 2009: 42). In the words of one settler, “the police have to understand that there will be a very high price tag on any event of this kind” (quoted by B’Tselem 2011). However, the reason for the evacuations is to accommodate the PA and international critics, and thus it also signals to the Palestinian society that attempts to gain control over land for a future Palestinian state are costly.

That the State is in fact the recipient of the message became even clearer in the fall of 2011, when such attacks were also committed against the IDF. The first such attack happened in September 2011, after the dismantling of some structures in the outpost Migron. 12 army vehicles were vandalized as the base was infiltrated.<sup>52</sup> In December two more such attacks occurred, where in one of them two army personnel were hit by stones hurled at them by angry settlers, and in the other 50 settlers infiltrated the Ephraim Brigade base and slashed tires and hurled stones.<sup>53</sup> Like in earlier price tag attacks, the words “tag machir” (the Hebrew words for price tag) were spray painted on vehicles in the army bases that were attacked.

### **5.2.2 The scale of violence**

Although this thesis is concerned with the increase in settler violence recorded since 2006, it does not mean that the same kind of attacks described above did not occur prior to 2006. Palestinian farmers have experienced harassment from settlers on their way to olive groves or during the picking of olives since 2002 (OCHA 2002). Killing of livestock, tree uprooting and prevention of access have been reported since 2003, and there has been a steady increase. However, up until 2004 no attacks were reported outside of the olive season, and the violence was concentrated to the Hebron area. From 2004 an increase is observed: In 2004, 21 attacks resulting in injuries and 36 attacks resulting in property damage were reported outside of olive season (see OCHA Protection of Civilians weekly reports 2002-2004). In 2005, 40 attacks resulting in casualties were reported, while 36 attacks led to property damage.

The increase from 2006 (see table 1) can thus seem like a continuation of the developments in the previous years. However, as argued above, the changing trend since 2006 is that the violent settlers operate in groups, which is a crucial point, as this indicates a greater degree of planning. In the fall of 2011, the Shabak reported that there are settler groups organized like

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<sup>52</sup> *Haaretz* 09.07.11

<sup>53</sup> *Yediot Aharonot* 12.13.11a

terror cells, possibly with databases with potential targets.<sup>54</sup> As stated, this indicates rationality and tactical thinking. Settler violence is also different post-2006 compared to earlier in that the number of places where settler violence occurs has increased. Up until 2006, reports almost exclusively name Hebron as a source of settler violence, only with an occasional incident taking place in other parts of the West Bank (see OCHA reports 2002-2006). However, over the years, neither the number nor nature of attacks has changed significantly in Hebron. It has remained high, with occasional peaks in the aftermath of certain incidents. The general increase in attacks has not taken place in this area. Rather, governorates that have previously been relatively peaceful, if not completely without tension, have evolved as the main scenes for settler violence.

Ramallah is not mentioned in any of the weekly reports in 2006 or 2007, except from one incident where 50 olive trees were cut down (OCHA February 7-13 2007). In 2008, the reported number of attacks resulting in casualties in the Ramallah governorate was six, and attacks resulting in damage in property was seven, compared to 28 attacks resulting in injuries and nine resulting in property damage in Hebron the same year, and 51 and 19 respectively the preceding year (OCHA 2007, 2008; weekly reports). However, although Ramallah is regarded as one of the most vulnerable areas today, casualties are not frequently reported in this governorate. In fact, when looking at attacks resulting in personal injuries, Ramallah is not more extreme than the governorates of Qalqilya or Bethlehem. As seen from table 1, most of the attacks are attacks on property, such as tree uprooting, injuring or killing of livestock, breaking of windows, setting fire to cars and burning of crops.

Nablus was also a relatively peaceful governorate in 2006 (OCHA 2006; weekly reports) with a slight increase in 2007 that remained at the same level through 2008 (OCHA reports 2007, 2008). In the spring of 2009 the picture changed dramatically in Nablus as well as in Qalqilya, with violence increasing sharply. Ramallah and Bethlehem also experienced increase this year, but these were of a more gradual nature in line with the increase in these governorates since 2006. The level of violence did not alter in Hebron. The level of violence continued to rise in Nablus through 2010 and 2011, and by the end of 2011 Nablus was the most violent governorate on the West Bank, with both the majority of attacks resulting in casualties and attacks resulting in property damage taking place there (OCHA 2010, 2011; weekly reports).

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<sup>54</sup> *Haaretz* 09.13.11

The numbers in the below table are somewhat misleading regarding the scope of the violence. In fact, when analyzing the weekly “protection of civilians” reports from OCHA, it appears that 2009 and 2010 were not less violent than 2008 with regards to attacks on people. First of all, the statistics issued by OCHA only list attacks that lead to some kind of injury, either on people or property. If no injuries were reported, they are not part of the statistics. However, throughout 2009 until the end of the time period in focus, the weekly reports show a clear increase in incidents that did not result in any damage or injuries (see OCHA weekly “protection of civilians” reports 2009-2011). Even though the attacks did not have any serious consequences, it does not mean that there was no intention to injure, as was stressed by my definition above. One example of such an attack was recorded on January 15th, 2009: “Israeli settlers from Eli settlement reportedly opened fire on the head of the Qaryut village council, along with two staff of an Israeli human rights organization while they were on their way to the area where land is being leveled. No injuries were reported” (OCHA 09.01.09-15.01.09). Also, since a central purpose of hooliganism is to intimidate and not necessarily to inflict injuries, the OCHA reports do not reveal the scope of the increased hooliganism.

**Table 1: Number of settler attacks 2006-2011**

	2006	2007	2008	2009	2010	2011
Attacks resulting in property damage	60	58	105	112	243	290
Attacks resulting in casualties	56	53	102	56	69	121

Source: OCHA 2012a

Further, the numbers in the table are mere numbers of attacks, but the number of casualties is not reported, and these are not reported specifically in any reports issued by OCHA. Even though there were a higher number of attacks resulting in injuries in 2008, it seems like more people have been injured in the succeeding years, as well as the numbers of attacks not resulting in any injury or damage has increased, notwithstanding the motives for the attacks (see OCHA reports 2006-2011). Finally, OCHA does not distinguish between the types of violence, as has been done above. This is somewhat problematic since this thesis is concerned with settler violence as a strategy. Acts of self-defense, such as when a settler is in fact threatened, are also counted. A high number of the attacks reported in 2011 are also connected to the riots that broke out in the West Bank in the aftermath of the murder of a settler family in March. These attacks, although worthy of concern from a humanitarian point of view, were not driven by strategic calculations, but rather emotions (see OCHA reports March and April 2011).

When both Israeli and international media report on settler violence it is usually with connection to “price tag”. This is understandable, since “price tag attacks” usually are very severe. However, the number of “price tag” attacks committed over the years is rare compared to the scale of violence in total. Up until and including 2009 less than ten of the annual number of attacks can undoubtedly be attributed to this strategy, not counting the violence following the announcement and beginning of the construction freeze, when 33 incidents were recorded. This is perhaps why OCHA attributes the birth of the tactic to the 2008 evacuation of the al-Rajabi house (OCHA 2009), while Israeli media attributes it to the settlement freeze in 2009.<sup>55</sup> The birth of “price tag” should however be dated to the first evacuation after the Gaza disengagement, when considering the nature and purpose of this tactic. The evacuation of a house in Hebron in mid-January 2006 sparked violent attacks on Palestinian property and was the first time such retribution was reported.<sup>56</sup>

In 2010 13 such attacks were reported. 2011 is harder to assess, as the OCHA reports from this year elaborate even less on circumstances than previously. Around the time of seven different evacuations a total of 65 violent incidents were reported across the West Bank (see OCHA reports 2011). It should, however, be noted that the amount and magnitude of “price tag” attacks have increased over the years. Nevertheless, should all 65 incidents be “price tag” incidents, they still make up only a fraction of the 411 incidents reported in 2011 (see table 1). Even though “price tag” is a new phenomenon that can easily be linked to the recent rise in violence, as this new tactic grew forth simultaneously with the general increase in violence, hooliganism is of a much greater concern. It makes up a clear majority of the attacks, although 2009, when counting the settlement freeze reactions, and 2011 did have a higher number of “price tag” attacks than the other years. From the numbers presented above it seems like increase in different types of violence beg different explanations. Hence, for the analysis the types of violence will be taken into account.

Today’s settler violence should be regarded as a tactic, as opposed to the general pattern before 2006. The consequence of treating it as such is, as touched upon in chapter 3.4, that the first research question can be posed in a different manner. Instead of asking why violence increased around 2006, it is reasonable to ask: *Why did some settlers change their tactic?*

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<sup>55</sup> Haaretz 09.07.11, *Yediot Aharonot* 07.26.10

<sup>56</sup> Haaretz 01.15.06

The existence of an iceberg, illustrated above, is in the analytical model in chapter 3.5 suggested as influencing state policies in a way that they become inconsistent. The following chapter addresses state policies during the two governments that have been in office in the time period 2006 to 2011.

## 6 State Policies

State policies are assumed in the analytical model both to play a significant role in the radicalization process and to be a facilitator of further increase in settler violence. This chapter will review the policies of the two governments towards the settlers, and determine if they have in fact been sufficiently inconsistent to explain the increase in settler violence, as suggested by Lichbach's theory.

The impact of the "iceberg" will be emphasized, as this is assumed to influence the political processes in such a way that the policies of the state become inconsistent, as touched upon in section 5.1. These inconsistencies are manifested both in that some policies contradict the State's stated goals as well as Israeli law, and in that some policies directly contradict other policies in the same area of legislation, the result being mixed signals and ambiguity regarding what the stance of the State really is.

The State is interested in, and dependent on, having complete control over the political and security situations. Extralegal activities impair this control, be they violent or non-violent. Hence, even though there is a large political "iceberg" supporting the settler goals of full Jewish control and settlement in the Territories, these activities are weakening the state. It is in the State's interest that its citizens are upholding the law and that the State has monopoly on the use of force. Further, settler violence is politically costly for Israel, as it leads to widespread international condemnation and criticism of Israel as the occupying power, which can be regarded contributory to the evacuation of outposts.

Like the dissenters, the State has two possible tactics (Lichbach 1987: 274): The activities of the dissenters can be met with either accommodation or repression. The evacuation of outposts or settlements can be defined as violent repression. It usually happens with bulldozers driving in during the middle of the night, with no preliminary warning, demolishing homes and destroying personal belongings. Accommodation is either ignoring the illegal activities, thus indirectly approving of them, or rewarding it more directly through changing legislation.

The policies of the two governments have been very different in terms of repression and accommodation. According to Sprinzak's iceberg theory, the transition from a settlement hostile government to a settlement friendly one should lead to the extremist tip "melting,

losing much of its acuity” (1981: 46). Instead, violence has continued to increase every year. The increase has in fact been steeper under Netanyahu rule.

Section 6.1 addresses the issue of law enforcement in the Occupied Territories, an issue that has been known for decades and is not special to the time period this thesis focuses on. It is however a contributory cause for the continued increase in settler violence, although not a direct reason for the eruption of violence. Sections 6.2 and 6.3 discuss policies towards the settler cause under the rule of Olmert and Netanyahu respectively.

## 6.1 Law enforcement in the West Bank

The settlements and most of the outposts are located in area C. Because of the division of responsibility into three different zones, several systems of law operate: Palestinians are subject to Israeli martial law as well as some local law, while the settlers are subject to Israeli penal law. Hence, the responsibility for security is also divided; the IDF is in charge of enforcing martial law, whereas the Israeli police are in charge of the Israeli penal code. This system has created confusion over who has authority in which situations, and has been understood such as the IDF not having authority to arrest violent settlers, but have authority to arrest violent Palestinians (i.e. B'Tselem 2010, see also *Breaking the Silence* no 2011b). However, IDF soldiers have always had the authority to arrest violent settlers committing any criminal act<sup>57</sup>, but the lack of instructions on the matter has led to soldiers not having this role in practice (See B'Tselem 2010). In several cases IDF soldiers have directly refrained from intervening when witnessing settlers attacking Palestinians<sup>58</sup> (cf. section 5.1.2).

Apart from the confusion over authority, lenience in the Israeli police force towards enforcing the law in the territories has been systematic for decades. Already in 1984 a committee led by Deputy Attorney Judith Karp issued a report on the deterioration of the rule of law in the territories. Concerns over violence from settlers in Hebron had been expressed in 1981 by a group of law professors, and the report stated that the police investigations in cases where Palestinians were the victims were inadequate. It criticized the separation between military and civil police precisely because this led to confusion over authority in the area, and

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<sup>57</sup> Former deputy chief military prosecutor Ilan Katz to *Yediot Aharonot* 12.15.11a

<sup>58</sup> See *Haaretz* 05.22.12



recommended that clearer guidelines on fire protocols should be given to Israeli soldiers stationed in the area, as well as strengthening the civilian police force (*Karp Report* 1984).

Since 2005 the Israeli human rights organization Yesh Din has monitored the situation in the West Bank with regards to law enforcement. Their reports (2006; 2008; 2011*b*) show that the situation has not improved since the Karp report. Even though the State has been aware of this at least since 1984, no serious steps have been taken towards mitigating the situation. Table 2 below show the findings of Yesh Din.

**Table 2: Concluded Investigations by Category of Offense SJ District 2005-2011**

Offense group	Indictments served	Cases closed on grounds that suggest investigation failure	Cases closed on other grounds	Lost case files	Total number of investigations concluded
Violence	31 (14%)	167 (78%)	15 (7%)	1	214
Land Seizure	9 (12%)	51 (67%)	16 (21%)	-	76
Property Damage	6 (3%)	196 (93%)	7 (3%)	2 (1%)	211
Other <sup>59</sup>	2 (8%)	16 (62%)	8 (31%)	-	26

Source: Yesh Din (2011*b*)

Overall, from 2005 to 2011 only 14 percent of the cases involving personal injuries and 3 percent of cases involving property damage resulted in indictments. Further, of the 214 cases that dealt with violence against Palestinian lives only eight were closed due to lack of criminal culpability. In property damage cases, five cases were closed for this reason, and seven in the category “other” were closed on these grounds. The remaining closed cases were closed due to lack of evidence, offender unknown or lack of public interest, where the two first are what the organization implies are investigation failure. This means that the risk connected to committing such crimes is very low, and the situation has not improved over the years since the first such report was released by Yesh Din in 2006. Comparing these numbers to the numbers in table 1, it is clear that only a fraction of the offenses are reported. This is in part due to the poor investigation of such cases, which leads to Palestinians not bothering to report, as well as language problems and problems of accessibility to the police stations (*ibid*).

In 2006 Yesh Din reported that only 5.6 percent of the Israeli police force served in the territories, and the allocated budget to the district was only 2.5 percent of the overall budget

<sup>59</sup> “Other” entails such offenses as killing of pets, desecrations of mosques, and pollution of farmland among others.

for the Israeli police (Yesh Din 2006: 8). According to Public Security Minister Avi Dichter, the percentage of Israel's total police force had been increased to about ten in 2008, but that it was “impossible to transfer additional forces there, other than temporarily for specific missions”.<sup>60</sup> This increase does not seem to have had any effect, as Yesh Din both in 2006 and in 2011 reported that over around 90 percent of the investigations the organization monitored were closed on grounds of “investigation failure”. Dichter has, however, blamed this on lenient sentencing by the courts, which deters the police from pursuing indictments “even when they have a suspect in hand”.<sup>61</sup>

At the same time the Yesha Human Rights Organization, led by attorney Orit Strook, works to counter measures taken against the settlers. The complaints filed by this organization show that many settlers feel unjustly treated by the State, represented by the Israeli police force. They report on police brutality and discrimination, and claim that the police have a practice of “over-enforcement” of law. According to a report issued in 2008, Jews in the West Bank are more often arrested for causing harm on property or people than in Israel proper. Furthermore, the organization claims, the security establishment operating in the Occupied Territories is neglecting law enforcement towards Palestinians, and the settlers do not feel sufficiently protected.<sup>62</sup> Hence, neither Palestinians nor settlers are satisfied with the level of law enforcement in the West Bank. Unlawful settlers are not being punished, which gives them a sense of invincibility while at the same time settlers feel unjustly treated and discriminated against. This increases antagonism towards the Israeli state and the security forces. In addition, they feel that the state is not protecting them, which could lead to some taking matters into their own hands, meaning vigilantism.

### **6.1.1 Foot-dragging and postponements: The case of Migron**

While the aspects of law enforcement levels discussed above could be attributed to lower level officials in the police and the IDF, the State itself is also in several instances refraining from upholding Israeli law. As recalled from section 5.2.2, the scale and nature of the illegal outpost building has been known to the government at least since the issuing of the Sason report in 2005. Both the Netanyahu II government and the Olmert government have been slow to evacuate outposts, although for somewhat different reasons that will be discussed

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<sup>60</sup> Quoted in *Haaretz* 11.02.08

<sup>61</sup> Cited in *Haaretz* 11.02.08

<sup>62</sup> *Yediot Aharonot* 12.11.08

below. One prominent case still shows the lack of will of both governments to address the matter; the case of Migron.

The outpost Migron is among the largest ones and located 14 kilometers north of Jerusalem. It was established in 2001 by requesting a permit for an antenna. In 2002 a number of permanent structures as well as caravans had been erected on the hill, and the State issued demolition orders against them, as they were built on privately owned Palestinian land (Peace Now 2012b: 3). However, the spokesperson for Migron, Aviela Deitch, states that when the outpost was built, they were led by the government to believe that the purchase of land was legal, and that the caravans the people of the community live in were government provided (Deitch 2012), a claim also made by two of the outpost's founders in 2008.<sup>63</sup> According to the Sason report (2005: 106), around four million shekel had by the time of the issuing of the report been allotted by the State for building the outpost. Also, the Ministry of Housing and Construction has issued permits for 500 housing units in Migron.<sup>64</sup>

In 2006, as the buildings still stood, Peace Now petitioned the Israeli Supreme Court in order to have the demolition orders carried through. The State agreed that the outpost should be evacuated, but no date was set. In an attempt to solve the issue peacefully, the residents were offered to move to a new neighborhood in Adam, a settlement located east of the separation barrier<sup>65</sup>, but the offer was rejected (Harel 2009). The foot-dragging continued, and 14 different motions to extend the deadline for the State's position on the matter were made, since the first petition in 2006, until the Israeli Supreme Court in August 2011 ordered that the entire outpost should be dismantled by March 31<sup>st</sup> 2012 (Yesh Din 2011a: 28). The demolition of three illegal structures in the outpost in the fall of 2011 led to violent protest, both in the outpost and in Nablus, where a mosque was torched as response.<sup>66</sup> The first price tag attack on an IDF base also came as a response to the partial evacuation of Migron.<sup>67</sup>

The demolition drew criticism from Yesha Council leaders who directed their anger towards the government accusing it of being “weak” and that it “has no courage to fight for our right to build in Judea and Samaria, while remaining helpless against illegal construction by

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<sup>63</sup> *Haaretz* 02.06.08

<sup>64</sup> *Haaretz* 11.25.11

<sup>65</sup> Several names have been given to the infamous barrier begun constructed in 2002, among others "anti-terrorism fence", "security fence", "separation fence", "West Bank barrier", "racial segregation barrier", "Apartheid wall" and simply "the Wall". I use the term "separation barrier" in order to avoid any political connotations.

<sup>66</sup> *Yediot Aharonot* 09.05.11

<sup>67</sup> *Yediot Aharonot* 09.12.11

Bedouins in Israel”.<sup>68</sup> Further, in November 2011, Yisrael Beiteinu chairman Avigdor Lieberman threatened to pull out of the coalition if Migron and another outpost, Givad Asaf, were to be dismantled.<sup>69</sup> Netanyahu's own party also started a campaign against him, urging Likudniks to boycott the primary elections of early 2012 if Netanyahu did not go back on his intention to evacuate Migron. This forced the government to once again try to reach a compromise with the settlers of Migron, where the entire community was to be relocated to a nearby hill classified as State land within three years<sup>70</sup>, which would mean that the evacuation was postponed once more.

The case is thus that illegal activities are being rewarded, through the direct support of large parts of the ruling coalition and by such deals being the state response to violent rioting. Violence, which is a response to government repression of the non-violent, yet illegal, tactic of outpost building, is then able to make the government ignore Israeli law and Court orders in order to accommodate the law breakers. This clear signal that violence pays off can work as an incentive both to continue illegal construction throughout the West Bank, and to continue violent protesting. In the end, however, the agreement between the government and the Migron settlers was invalidated by the Supreme Court, and the new final date for evacuation and demolition is August 1<sup>st</sup> 2012. Still, this is yet another postponement due to foot-dragging on behalf of the government. Also, the final deal between the settlers and the State is that a new settlement will be built on State land for them to live.

The contempt for domestic law shown by both of the governments is striking and exhibits the strong leverage of the settlement movement in the political establishment of Israel. It has the power to prevent the Israeli government from carrying out its own declared policies as well as defying the Supreme Court's rulings.

## 6.2 The Olmert government 2006-2009

The “political iceberg” held a strong position in the Kadima led government from 2006-2009 and was able to block large parts of the settlement hostile policies urged by prime minister Ehud Olmert and his coalition partner Labor. Although the 2006 elections resulted in a

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<sup>68</sup> *Israel haYom* 09.06.11

<sup>69</sup> *Yediot Aharonot* 11.21.11

<sup>70</sup> *Yediot Aharonot* 02.13.12

massive victory for Kadima, running on a platform calling for the evacuation of an unspecified number of settlements, not only outposts, known as the Convergence Plan, the Peace Camp was not large enough to secure a majority. The coalition partners of the dovish Kadima and Labor were first found in Sephardic ultra-orthodox Shas and the newly formed Gil, the pensioners party, which did not elaborate upon any security issues (Migdalowitz 2006: 4), and at a later stage also in the hawkish Yisrael Beiteinu (see table 3).

The evacuation in the outpost Amona on February 1<sup>st</sup> 2006, as well as the settlement issue in general, were central themes in the elections the same year, and used by the newly formed Kadima party to show acting prime minister Olmert's decisiveness when it came to dealing with illegal outposts. The shift in attitude towards the settlements became evident a few years earlier with Ariel Sharon's first propositions for a unilateral disengagement from Gaza, developed in cooperation with his senior deputy Olmert. The plan was met with harsh criticism from coalition parties, and resulted in the National Religious Party pulling out, leaving a minority government. Sharon also rejected calls for a national referendum on the matter, alienating many of his traditional supporters who were angry over his disregard for the political platform and principles of his own party Likud, but harvesting broad support from the Israeli left-wing (Bass 2005). Sharon and Olmert later went on to form the leadership of Kadima, and hence Kadima was and is associated with the disengagement.

**Table 3: The 31<sup>st</sup> government, elected in 2006**

Party	% of vote	Seats in Knesset
Kadima	22.0%	29
Labor	15.1%	19
Shas	9.5%	12
Yisrael Beiteinu*	9.0%	11
Gil	5.9%	7
Total	61.5%	78

\*Yisrael Beiteinu joined in October 2006 and left the coalition in 2008

Source: Knesset 2006

As mentioned in section 5.1.3, the protests against the disengagement was overwhelmingly peaceful, and led to the political leadership's belief in similar evacuations being possible in the same swift manner, hence the Convergence Plan. However, the evacuation in Amona showed that the attitude among some of the settlers had changed. The operation was aimed at

nine illegally built houses in an outpost built in 1996, houses that had been ordered dismantled in 1997, 2003 and 2004.<sup>71</sup> The outpost inhabited around 30 families, and 10,000 Israeli soldiers took part in the operation. 4,000 settlers came from all over the West Bank to protest the evacuation, barricading themselves in the houses that were up for destruction, which led to violent clashes between the settlers and the IDF forces. Among the protesters were also Knesset members Arie Eldad of National Union and Effie Eitam from the National Religious Party who were both hurt during the clashes. The violent protests showed a resistance, and a solidarity, among the settlers never seen before, and was met with strong condemnations from Olmert.<sup>72</sup> On the same note as the Gaza disengagement, the April 2004 evacuation of the outpost of Ginot Arye was carried out by the residents themselves, despite threats of violent resistance (Peace Now 2005). However, the disengagement half a year earlier had shown that Kadima was serious regarding evacuations, and hence the resistance in Amona became a symbol of the new attitude of the settlers.

Despite the historic happenings in Amona, where hundreds were injured, some of them seriously<sup>73</sup>, Kadima gained 22 percent of the national vote, meaning 29 out of 120 seats (Knesset 2006). In all the secular settlements Kadima won 25 – 40 percent of the votes (Etkes, Friedman and Shelef 2006), which points to many secular settlers being willing to relocate, and that the most important reason they live in the settlements are economics (cf. Hopp et al 2002). This was also suggested by Yesha Council leader Danny Dayan in 2008, as revealed by a Wikileaks cable in April 2011, where he is quoted saying that “some people will take it if the price is right.”<sup>74</sup> However, the secular settlers for most live in the settlement blocs that will stay Israeli in any peace agreement.<sup>75</sup> As Kadima stressed the importance of the major settlement blocs along with the wish to determine Israel's future borders, it was clear that the endangered settlements were the ones farthest east (see *Kadima Platform* 2006). In interviews with Israeli media (quoted in Friedman and Shelef 2006), former Shabak chairman and Kadima candidate Avi Dichter suggested that the settlements in question were Elon Moreh, Yitzhar, Itamar, Shiloh, Psagot, Tekoa, Tapuah, P'nei Hever, Nokdim, Ma'on and Otniel, the most extremist settlements, along with the ones that are the most isolated or farthest east of the Green Line: The settlements with inhabitants most reluctant to leave.

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<sup>71</sup> *Haaretz* 05.05.10

<sup>72</sup> *Yedioth Aharonot* 02.01.06

<sup>73</sup> *ibid*

<sup>74</sup> Quoted by *Haaretz* 04.07.11

<sup>75</sup> There is both an Israeli and a Palestinian political consensus on this matter. Land swap will be part of a future agreement, as was shown among other documents in al-Jazeera's leaked Palestine papers, found at

Nonetheless, the fall of Likud proved that the Israeli consensus was in favor of further withdrawal and positive regarding a future settlement with the Palestinians. Likud, which in the 2003 elections won 29.4 percent of the vote (Knesset 2003), and in 2006 ran on a platform opposing further unilateral removal of settlements (Friedman and Shelef 2006), was reduced to a shadow of itself, only winning 9 percent of the vote (Knesset 2006).

### 6.2.1 The joining of Yisrael Beiteinu

The inclusion of Yisrael Beiteinu was controversial. Yisrael Beiteinu has a platform of population transfer, and is hence pro keeping the status quo with regards to settlements. This also means that the party is opposed to the evacuation of outposts, and before entering the coalition in 2006 Amir Peretz, then chairman of Labor, and Olmert had to go back on their previous stand on evacuating all outposts, making a compromise with the new coalition partner stating that only illegal structures<sup>76</sup> would be evacuated, not all unauthorized outposts.<sup>77</sup> The decision to go back on the outpost matter, as well as being government partners with Yisrael Beiteinu was met with harsh criticism in the Labor party.<sup>78</sup>

Yisrael Beiteinu joined the coalition in October 2006, after the Lebanon War. The war changed the priorities of the government. In response to a Peace Now petition, the government declared in May 2006 that it would map the illegal outposts as well as streamlining the bureaucratic procedures for issuing demolition orders to make a plan for their evacuation.<sup>79</sup> In the words of Peace Now chairman Yariv Oppenheimer, this constituted a change in policy and that “the Ministry of Defense is saying for the first time that it seriously intends to remove the outposts”.<sup>80</sup> However, with the outbreak of the war, and the substantial criticism the government was met with<sup>81</sup>, the evacuation plans lost precedence. The inclusion of Yisrael Beiteinu at such a late stage was a matter of political survival, and Olmert wanted a stable majority government for any price, as the inclusion of the right-wing party secured 78 seats in the 120 seat Knesset. Nonetheless, it changed the face of the up until then quite left-

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<sup>76</sup> "Illegal structures" refers to structures built on privately owned Palestinian land. Although the entire outpost is illegal, most of them are only partially built on Palestinian private land.

<sup>77</sup> *Arutz Sheva* 10.25.06

<sup>78</sup> *Haaretz* 10.23.06

<sup>79</sup> *Jerusalem Post* 05.08.06

<sup>80</sup> Cited in the *Jerusalem Post* 05.08.06

<sup>81</sup> At the time of Yisrael Beiteinu's inclusion the Winograd Commission had been appointed “to look into the preparation and conduct of the political and the security levels concerning all the dimensions of the Northern Campaign which started on July 12th 2006”. See the *Winograd Commision Report* for the findings of the commission.

wing government, with the exception of Shas, which joined the initial coalition in May on the condition that it did not have to support any West Bank evacuations, stating it would decide on the issue when it appeared on the political agenda (Migdalowitz 2006: 5).

### 6.2.2 Anti-settlement policies

Still, in May 2007 Olmert requested the Defense Ministry to draft a plan for a full outpost evacuation<sup>82</sup>, thus breaking the agreement with both Yisrael Beiteinu and Shas. Neither this evacuation took place, but the official statements created an environment of fear among the settlers. Olmert seemed serious, and outpost evacuation was the official position throughout his term in office. Olmert repeatedly condemned the behavior of the settlers<sup>83</sup> and warned of the escalating violence. He did not hesitate to refer to settler violence as both terrorism and pogroms.<sup>84</sup>

An official statement from the Yesha Council in response to the government's intentions stated that

“[t]he decision constitutes collective punishment and denies essential services to loyal citizens whose only sin is living in communities that the State of Israel built and sold apartments in, but has not yet finished the process of approving”.<sup>85</sup>

The Legal Forum for the Land of Israel, another NGO working for the protection of Jewish settlers' rights, called the decision discriminatory because many illegal Arab neighborhoods receive services from the state.<sup>86</sup>

Acknowledging the violence connected to the evacuations, the Olmert government considered ways of avoiding this in the future. The evacuation-compensation bill proposed by vice premier Ramon from Kadima in 2008 suggested giving settlers living east of the separation barrier a large economic compensation if they were willing to relocate into Israel proper<sup>87</sup>, a continuation of the Gaza evacuation compensation, but this time aiming at encouraging people to move voluntarily before any evacuations were carried through. Kadima and Labor supported the bill, but it was blocked in the Knesset. In the words of MK Meir Porush from United Torah Judaism “[f]or every family who chooses to leave, we will have two others

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<sup>82</sup> *Yediot Aharonot* 05.01.07

<sup>83</sup> See for example *Reuters* 09.14.08, *Jerusalem Post* 08.12.08

<sup>84</sup> See for example *Haaretz* 09.14.08, *Haaretz* 12.07.08, *Al Arabiya* 09.28.08

<sup>85</sup> *Haaretz* 02.11.08

<sup>86</sup> *ibid*

<sup>87</sup> *Yediot Aharonot* 09.07.08, 09.14.08



coming in to fulfill the mitzvah of settling the Land of Israel”.<sup>88</sup> This bill and the Convergence Plan indicate that the separation barrier was considered the future borders of Israel, despite official claims that it was not put up to change the final status borders (see Israel Ministry of Foreign Affairs no date<sup>a</sup>). This would mean that the ideological settlements and outposts far inside the West Bank would definitely have to be evacuated.

Another of Lieberman's demands for joining the coalition had been the full abandonment of the Convergence Plan.<sup>89</sup> Still, Olmert enjoyed a good relationship with the Palestinian leadership, and led the parties to the Annapolis Conference in 2007, the closest they have ever been to a peace agreement (Wang 2012). In Annapolis, Olmert offered major territorial concessions, unlike any seen before in negotiations between the two parties. The conference ended with a joint statement where both parties supported a two-state solution based on negotiations on all the core issues, and that a final agreement would be met by the end of 2008.<sup>91</sup> This caused Yisrael Beiteinu to leave the coalition in January 2008, stating that “we have to do what we can to stop the Annapolis process”.<sup>92</sup> This did, however, not topple the government, nor did it stop the Annapolis process. Leaked information obtained by Haaretz in 2009, showed that Olmert in September 2008 had offered a detailed map suggesting land swaps in exchange for peace. The Olmert plan suggested that Israel annexed 6.3 percent of the West Bank, areas that were home to 75 percent of the Jewish settlers, while the remaining 25 percent would be evacuated, including the Jewish community in Hebron. The PA would receive land equivalent to 5.8 percent of the West Bank, and a safe passage way from Hebron to Gaza. Negotiations ended as Palestinian president Mahmoud Abbas did not respond.<sup>93</sup>

### 6.2.3 The impact of the “iceberg”

Both the rhetoric and some of the early actions of Olmert imply the wish to evacuate outposts and deal with problems connected to settlers. In the end, however, the policies of the Olmert government did not correspond to this. As no systematic list of evacuations exists, it is

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<sup>88</sup> *Haaretz* 01.09.08

<sup>89</sup> *Arutz Sheva* 10.08.06

<sup>90</sup> The Plan was similar to Sharon's disengagement plan of 2005, and called for unilateral withdrawal from large parts of the West Bank, while annexing the bigger settlement blocs. Olmert's vision was that another unilateral withdrawal would lay the groundwork for the establishment of a Palestinian state, as well as a negotiated peace. See interview with Olmert in *Wall Street Journal* 04.12.06

<sup>91</sup> *Haaretz* 11.27.07

<sup>92</sup> *Yediot Aharonot* 01.16.08

<sup>93</sup> *Haaretz* 12.17.09. See also map: [http://www.haaretz.co.il/hasite/images/iht\\_daily/D171209/olmertmap.pdf](http://www.haaretz.co.il/hasite/images/iht_daily/D171209/olmertmap.pdf)

difficult to assess the scale of evacuations during different governments. In 2006, OCHA reported five evacuations of established outposts, as well as four evacuations of outposts just erected.<sup>94</sup> In 2007 three existing outposts were reported evacuated along with ten just established ones. In 2008 four outposts were reported evacuated, and one recently established one. No evacuations were reported in the period of 2009 that the Olmert government was still in charge. Despite this list probably not being complete, it is clear that no large-scale evacuations have taken place, as around 100 outposts still exist (cf. Sason 2005 and Peace Now 2011), and it is clear that despite Olmert's calls to the authorities to take measures to end the grave phenomenon of settler violence<sup>95</sup>; “to do all it takes, with all the strength needed”<sup>96</sup>, the level of law enforcement remained unchanged during his period in office (Yesh Din 2011b). Despite the will and the campaign promises, the settler friendly political right-wing disabled the government from taking any firm action. In the words of Esterina Tartman, spokesperson for Yisrael Beiteinu;

Evacuation of outposts is a classic example of MK Avigdor Lieberman's importance in the government. Had we not joined the government, Olmert would have been forced to swear in [a representative from] the Labor Party who is committed to the evacuation of illegal outposts - at the price of our Jewish brothers. Basically, with our presence in the coalition, we have in essence brought the process to a halt - we do not need a written commitment [to know] that outposts won't be evacuated (cited in FMEP 2007a).

Olmert's wish to stay in power at all costs led to this strange coalition which disabled him and his party to undertake any of the actions they had won the elections on. On the other hand, had Yisrael Beiteinu not joined the coalition it is unclear whether there would have been a Kadima led government at all. Still, the persistence to push forward on both the issues of evacuations and peace talks shows to a sincere political will to evacuate, and this was indeed a threat to the settlers. The Amona evacuation, following the Gaza disengagement six months earlier, sent a clear signal to the settlers that the outposts were not safe, and that there was a real possibility that more outposts could be evacuated.

Another significant fact is the joining of the former head of the Yesha Council to Kadima during Olmert's campaign. Otniel Schneller joining a party with a platform that advocated not only outpost evacuations but unilateral disengagement also from the West Bank was considered as treason by many settlers (Etikes and Friedman 2006). Nevertheless, Schneller was considered a close adviser to Olmert on all issues concerning settlements, and hence the

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<sup>94</sup> The distinction is between outposts that has evolved into some kind of community and has existed for some time, and outposts that were just set up and evacuated after less than a week.

<sup>95</sup> Cited in *Haaretz* 09.14.08

<sup>96</sup> Cited in *Haaretz* 12.07.08

Council had a direct line to the decision process. This can account for the cautious approach to the outposts even before the joining of Yisrael Beiteinu. On May 18<sup>th</sup> 2006, Olmert and Peretz extended demolition orders for 12 outposts that were slated for evacuation by the end of that same month (FMEP 2006). A year later Olmert rejected a proposal by Peretz to evacuate three to six outposts, claiming that the timing was bad (FMEP 2007c). At the end of 2007, Peace Now reported that the IDF had carried out only three percent of the 3,449 demolition orders for settlements and outposts issued between 1997 and 2007 (cited in FMEP 2008c).

During Olmert's rule a new era of resistance started. As discussed, the “price tag” tactic grew forth since the beginning of 2006, but the reaction the evacuation of the mentioned al-Rajabi house was met with was unprecedented. While earlier evacuations had been met with both violence towards the Israeli security forces on scene, and Palestinian property in the vicinity of the evacuated spot had been targeted, this evacuation was also met with strong protests and riots throughout the West Bank, not only in Hebron (OCHA 2009). In addition, 20,000 settlers showed up in Hebron to support the inhabitants of the al-Rajabi house, a much larger turnout than in Amona (OCHA 2008: 10). The house had been occupied by 25 families since March 2007, claiming it had been lawfully bought. One and a half year later, in November 2008, the occupiers were evicted after the Israeli High Court decided the paper work of the purchase was fraudulent. The High Court decision came after several other verdicts from Israeli courts, one in July 2007 and one in November 2007. The latter verdict stated that the police should evict the settlers, but this never happened (OCHA 4-10 July 2007, OCHA 14-20 November, 2007). Like the mentioned postponements by Olmert, including the Migron case, this is another proof of the foot-dragging in both the political and administrative systems.

### **6.3 The Netanyahu government 2009-2011**

In Sprinzak's terms, the “political iceberg” supporting the settlement cause has had an even stronger base in the Netanyahu II government than in the Olmert government. Apart from Labor, which left the coalition in January 2011 due to the stalled peace talks, as well as the new break-away party Atzmaut<sup>97</sup>, in the time period of study<sup>98</sup>, all the coalition parties were

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<sup>97</sup> The party was formed by Barak after Labor decided to leave the coalition. Atzmaut is considered centrist, and

religious or nationalist (see table 4), which in one way or the other oppose both outpost and settlement evacuation. One example of this is the September 2011 missive signed coalition parties Likud, Shas and Habayit Hayehudi, as well as National Union, calling for the annexation of all West Bank settlements that was sent to the prime minister's office following the Palestinian UN bid.<sup>99</sup> The controversial part is not that settlements should be annexed, as there is a general agreement that the major settlement blocs should be annexed in connection with a peace agreement. The suggestion of annexation of the ideological settlements in the heart of the West Bank is, however, a clear sign that these parties want to thwart a possible two-state solution.

**Table 4: The 32<sup>nd</sup> government, elected in 2009**

Party	% of vote	Seats in Knesset
Likud	21.6%	27
Yisrael Beiteinu	11.7%	15
Labor*	9.9%	13
Shas	8.5%	11
Habait Hayehudi	2.9%	3
Total	54.6%	69

\* Numbers show Labor under Barak  
Source: Knesset 2009

There are several reasons for the strong Likud comeback and the general shift to the right. Although Kadima remained the largest party in the Knesset, winning 22.5 percent of the national vote, Israeli opinion had moved to the right after the Gaza disengagement. Although the Israeli public expressed their support for further such moves, as shown in the election results of 2006, the Lebanon War in the summer of 2006 and the development on the Gaza Strip changed peoples' minds. The Center and the Left had advocated unilateral withdrawal, and had done it both from South Lebanon and from Gaza, but this did not lead to peace. In fact, it led to more war, not only apparent in the Lebanon War, but also with the Hamas takeover in Gaza which at first was followed by a civil war between Hamas loyalists and

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holds five seats in the Knesset.

<sup>98</sup> Between January 2011 and May 2012 56 out of the 61 Knesset seats the government occupied, were held by of right-wing parties. The current government also has a majority of right-wing parties, but the joining of Kadima and its 28 mandates has balanced the government. Since this thesis is only concerned with the time period from 2006 up until the end of 2011 table 4 only list the make-up of the coalition in the relevant time period.

<sup>99</sup> *Haaretz* 09.27.11a

Fatah loyalists and later by numerous rockets being fired into Israel. Netanyahu had warned against this, and was in many peoples' eyes proven right. Further peace negotiations, as advocated by Olmert and Livni, were also considered futile by the public, as the reasoning for unilateralism was that “there is no Palestinian partner”, as had also been Sharon's mantra (Karon 2006; Alpher 2009, cited by Americans for Peace Now 2009).

Further, and perhaps the reason for Yisrael Beiteinu's success in the election, was the increased radicalization of the Arab population of Israel. Arab leaders were calling for the ceasing of Israel as a Jewish state in order to meet their demands. The nature of the protests against the Gaza War at the turn of the years 2008/2009 also contributed to large segments of the Israeli Jewish population viewing the Arab population with suspicion (Singer 2009, Americans for Peace Now 2009, Glick 2010). Lieberman's slogan “no citizenship without loyalty” sums up the attitude towards the Arab population, and the radicalization of this minority has boosted the party's support.

Still, Netanyahu started his new term in office proclaiming his support for a two-state solution (see Netanyahu 2009). No other Likud prime minister has ever done this, and in some way it marked a new Likud era. However, according to a poll from April 2011, 78 percent of Likud members were opposed to the creation of a Palestinian state, although only 24 percent were in favor of annexing the entire West Bank.<sup>100</sup> This division within Likud was been clear throughout part of the term that this thesis covers, and it created controversy within the party, especially in connection with the planned evacuation of the outpost Migron.

Barak's position in the government has also angered many people, both in the government and in the settler community. Barak has never shown any sentiment for the settler cause and has repeatedly stated that the outposts will be evacuated, if necessary by force.<sup>101</sup> In line with Olmert's harsh condemnations of settler violence, Barak has termed the Hilltop Youth terrorists.<sup>102</sup> All the settlers I spoke to expressed deep contempt for him. They were disappointed with Netanyahu giving the man who during the Camp David and Taba Summits was willing concede up to 96 percent of the West Bank, as well as dividing Jerusalem, the responsibility for the West Bank, in force of being Defense Minister. Barak was also responsible for the withdrawal from South Lebanon in 2000, then being prime minister, which

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<sup>100</sup> *Jerusalem Post* 04.08.11.

<sup>101</sup> *Haaretz* 05.21.09; *Yediot Aharonot* 08.31.09; *Jerusalem Post* 08.28.09

<sup>102</sup> *Jerusalem Post* 12.14.11

adds to the suspicion of him in the eyes of large parts of the settler population (Khalifa 2009: 31). But like for the Olmert government, the presence of more settler friendly ministers in the cabinet made action difficult. It is well known that the two ministers constituted the leadership of a government that was far more right wing than the two of them are personally, although this does not mean that neither Barak nor Netanyahu can be regarded as doves in Israeli politics. Barak is the one having authority to order evacuations of outposts, but such moves could risk the fall of the coalition. Netanyahu has expressed reluctance to allow the coalition to fall apart unless it helps the peace process.<sup>103</sup>

### **6.3.1 Netanyahu and Barak's passive stance: Radical bills**

As a result, Netanyahu has followed a line of politics where he has stayed silent in times of waves of violence, backed radical bills directly or indirectly and thus given a wink and a nod both to coalition partners and radical elements in Israeli society. Few outposts have been evacuated and no measures have been taken in order to address the low level of law enforcement in the Territories. In fact, the problem of settler violence was not acknowledged by this government until IDF bases and personnel became the new target in the fall of 2011.

Examples of controversial bills passed during Netanyahu's term are the Nakba bill and the bill that allows small communities to reject prospective members based on race or religion, are others.<sup>104</sup> The anti-boycott bill, which allows any company to sue persons or other companies calling for the boycott of Israel or the settlements without having to prove that the boycott has been economically damaging, is another. Netanyahu himself abstained from voting on the bill, but did not avoid criticism. In the words of a Kadima spokesperson this bill, especially seen in light of the other bills, showed that Netanyahu is “giving in to the extreme right that is taking over the Likud”.<sup>105</sup>

Another controversial bill passed by this government is the judge selection bill, popularly known as the “Grunis bill”, paving the way for the right-wing judge Asher Grunis to take over when President Dorit Beinisch retired in February 2012, as he would otherwise be too old.<sup>106</sup> Grunis is a favorite in the rightist camp for his conservative views and reluctance to intervene in government affairs, as opposed to the Supreme Court tradition of annulling controversial

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<sup>103</sup> *Haaretz* 07.29.10

<sup>104</sup> *Yediot Aharonot* 03.23.11

<sup>105</sup> Cited in *Haaretz* 07.11.11

<sup>106</sup> *Yediot Aharonot* 11.14.11

bills. It is thus expected, or at least hoped by the backers of the Grunis bill, that he will refrain from ordering any more evacuations of outposts.<sup>107</sup> Both Barak and Netanyahu abstained from voting and managed to duck criticism and the need to comment on it. This bill can naturally not explain the radicalization or increase in violence, as this event is far too recent. It is, however, yet an example of the power of the settlement friendly officials as well of the passive stance of both the premier and the Defense Minister.

The point is thus not that Netanyahu is backing bills that are necessarily supporting the radical settlers or even the settlement movement in general, but that the furthest-to-the-right faction of Likud, as well as the other coalition parties, is gaining more and more control over the government. The two first-mentioned bills also indicate a racist nature of the current government and Knesset. The official radicalization of Israeli politics in that respect is likely to have influenced the radicalization of the settler population.

As a result of Netanyahu and Barak's passivity, the majority of the statements, as well as policies directed towards the settlers have been very accommodating. The majority of the ministers in the cabinet are settlement friendly, and that to the degree that many also support the outpost enterprise. Since Netanyahu and Barak seem to avoid controversy within the government as much as possible, ministers have a relatively broad scope of action. Examples of direct accommodating policies, as opposed to the more indirect accommodating stance of the previous government, are the weapon regulations passed in this period. In April 2011, new regulations were put in force to grant settlers preference in the line for gun licenses, meaning that while previously such cases were considered based on the time the application was issued, now settlers will jump to the front of the line. Also, the previous rule of having a criminal record disqualifying the right to obtain a gun license was revoked.<sup>108</sup> This decision came only three months after the IDF collected large numbers of weapons from settlers, weapons given to them during the second intifada. The IDF expressed concern that settlers would take the law into their own hands.<sup>109</sup> Further, in September 2011 the criteria for settlers obtaining gun licenses were changed. According to the new directive it is no longer necessary for settlers to get police authorization; issuing licenses is solely up to the individual official in the Firearms Division.<sup>110</sup> Such policies can contribute to increased settler violence: Easing

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<sup>107</sup> *Jerusalem Post* 01.03.12

<sup>108</sup> *Haaretz* 04.14.11

<sup>109</sup> *Yediot Aharonot* 01.14.11

<sup>110</sup> *Yediot Aharonot* 09.01.10

settlers' access to weapons means also easing the access for radical settlers. This does not in itself lead to *more* violence, but it can lead to more serious violence. As discussed above, many settlers do not feel sufficiently protected by the police and IDF, and are thus tempted to take the law into their own hands. Such policies indirectly confirm that the Israeli security forces are not doing their job, and it legitimizes vigilante violence. It can also have an encouraging effect if it is understood as an appreciation of the hardship the settlers are dealing with.

### 6.3.2 The radicalization of the religious establishment

Another radical element that has been allowed to grow under Netanyahu rule is found in the religious establishment. In 2009, the book “Torat haMelekh”<sup>111</sup> was published by the Biblical Institute in Od Yosef Chai Yeshiva located in the settlement of Yitzhar. The book, presented as any religious commentary, is a manual to when killing gentiles is permitted in Judaism. According to the author Yitzhak Shapira, the head Rabbi of the yeshiva, the prohibition “Thou Shalt Not Murder” applies only “to a Jew who kills a Jew”<sup>112</sup>, and the killing of babies and children is permitted if they pose a threat to the Nation.<sup>113</sup> The publication sparked public anger and the book has been banned from sale in Israel, but the government did not comment on the content of the book at all. No condemnations were made and no consequences followed this call to violence, apart from a brief questioning of Rabbi Dov Lior and Rabbi Yaakov Yosef for endorsing the book. The detentions were met with fierce protests outside both the Israeli Supreme Court and the police station in the Russian Compound in Jerusalem.<sup>114</sup> In connection to the questioning of Lior, a statement issued by 70 rabbis and other religious leaders was sent to the Prime Minister and the Minister of Justice calling the detention a “disgrace to the Torah and its disciples (...) Attempting to deny free expression to our rabbis is unacceptable. Such severe, anti-democratic measures have never been taken against intellectuals from the left no matter how extreme their manifestations of hate for the state and its citizens”,<sup>115</sup> MKs Uri Ariel and Yaakov Katz from National Union also criticized the detention; the former claiming Lior had simply expressed a halakhic opinion. To be sure, Netanyahu did respond to the protest asserting that everyone is equal before the law, but the

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<sup>111</sup> “The King's Torah”

<sup>112</sup> Haaretz 01.22.10. Also see translation of the book at <http://torathamelech.blogspot.com/p/chapter-one.html>

<sup>113</sup> Haaretz 11.09.09

<sup>114</sup> Jerusalem Post 06.27.11

<sup>115</sup> Cited in *Arutz Sheva* 06.27.11



rabbi was nevertheless released after an hour of questioning and the matter has had no consequences.<sup>116</sup>

Despite the controversy surrounding “Torat haMelekh”, in 2011 the government allowed Shapira to hold a conference in Pisgat Ze'ev, a decision that was harshly condemned by the PA. Director of the PA's media center Ghassan Khatib stated that “the Israeli authorities’ ongoing and consistent tolerance towards hate speech and incitement against Palestinians leads to actions”<sup>117</sup>, a statement that has turned out to be true after the Shabak in September 2011 revealed that students from the Od Yosef Chai yeshiva have been involved in attacks on Palestinians, including “price tag” attacks. According to the security service, the rabbis of the yeshiva, who include the authors of “Torat haMelekh”, have directly been encouraging their students to attacks Arabs.<sup>118</sup> The public funding of the yeshiva was halted on request from the Shabak, but the government has failed to condemn the yeshiva and its rabbis. Instead the only public statements on the matter came from settlement supporters such as MK Michael Ben-Ari of National Union who said that the move constituted “capitulation to leftist terror”<sup>119</sup>, while the head of the Shomron Regional Council compared the government to Soviet Russia and claimed that Islamic schools advocating terror were allowed to exist.<sup>120</sup>

The mentioned Rabbi Lior, who is Chief Rabbi of Hebron and Kiryat Arba, has also been connected to such atrocities as the attempted blowing up of the Al-Aqsa mosque in 1984, the 1994 Hebron Massacre and the assassination of Yitzhak Rabin (Rachlevsky 2011). He is known for his racist remarks such as “every intelligent person knows that wild savagery is a basic trait of the Arab personality” (cited in Carton 2011: 42) and that Arabs are “evil camel riders”, “villains” and “wolves” and that “what we have with those villains and savages is not peace, and it won't be peace. It's against their nature. They hate peace”.<sup>121</sup> In the fall of 2011 he asserted that the international isolation of Israel is punishment by God for the dismantling of the three homes in Migron, and in these statements had the support of 20 other settlement rabbis.<sup>122</sup> Lior's statements are of relevance because he is a leading authority among religious Zionists and has been for decades. They are also important because they are met with no consequences. He is allowed to instigate violence and hatred in public, and can thus attract

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<sup>116</sup> Haaretz 06.28.11

<sup>117</sup> *Ma'an News Agency* 08.17.11

<sup>118</sup> *Haaretz* 09.27.11b

<sup>119</sup> *Yediot Aharonot* 11.01.11

<sup>120</sup> *Ibid*

<sup>121</sup> *Yediot Aharonot* 09.20.11b

<sup>122</sup> *Ibid*

more followers, helped by the tens of thousands of shekel he receives from the state every month as head of the Nir hesder yeshiva in Kiryat Arba (Rachlevski 2011).

The result of Netanyahu and Barak's mostly passive and silent line has been outrage whenever small steps that are considered counteractive to the settlement movement are taken. In the fall of 2009, Netanyahu approved a ten month settlement construction freeze, meeting a demand from the PA if peace talks were to resume. It was a controversial issue that was pushed through by the US administration and sparked fierce violent reactions<sup>123</sup> (see OCHA weekly reports September and October 2009). Further, the case of Migron has led to splits within Likud and accusations of Netanyahu being the prime minister that has hurt the settlers the most.<sup>124</sup> According to a petition from the right-wing faction of Likud against re-electing Netanyahu as the party's chairman "Netanyahu has been acting in contradiction with the values of the Likud movement, while giving Ehud Barak a free hand in implementing policies against the Jews settling in their country. This is not the policies of the Likud and the national camp," and that "Netanyahu is an irrelevant candidate whose ideology we do not share".<sup>125</sup> After the attack on the Ephraim base, Barak was blamed by settlers for the violence. Samaria Regional Council head Gershon Mesika explained the violence to *Yediot Aharonot* stating that "Ehud Barak acted like a pyromaniac and set the ground on fire intentionally by trying to destroy homes in Ramat Gilad despite the advanced talks aimed at solving the issue peacefully"<sup>126</sup>, while an unnamed settler source told the newspaper that "there is no point in condemning them – it will only increase their frustration".<sup>127</sup>

### 6.3.3 Retroactive legalization

Not only are the illegal communities essentially left alone, they are also in many cases legalized. The scale of this kind of action has been greatest under Netanyahu rule, but happened on at least one occasion during Olmert rule. In 2009, Barak decided to legalize the outpost of Sansana in the South Hebron Hills through officially attaching it to the Eshkolot

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<sup>123</sup> Despite the freeze, however, construction only subsided slightly for the ten months. The freeze only applied to prospective new construction, which means that for building units where the foundation already had been laid the freeze was not relevant. According to Peace Now (2010) ten months into the settlement freeze some 2,000 housing units were under construction. At least 600 of these were started built after the freeze came into effect. When the moratorium ended, construction was sped up as to make up for the lack of building in the preceding ten months (see *Haaretz* 05.05.10).

<sup>124</sup> *Haaretz* 01.05.12

<sup>125</sup> Cited in *Yediot Aharonot* 01.22.12

<sup>126</sup> *Yediot Aharonot* 12.13.11b

<sup>127</sup> *ibid*

settlement, despite the two being two miles apart. 400 housing units were approved for the outpost, which in fact was being turned into a settlement (FMEP 2009b).

Another example is the summer 2011 expropriation of Palestinian land. The government declared the land in question *mahlul* (cf. footnote 35), on which the outpost HaYovel was situated. The government accepted it as a neighborhood of the settlement Eli, thus legalizing the outpost. The utilized law has been used on several occasions, but this was the first time land was expropriated for this reason.<sup>128</sup> According to Peace Now (2012), the current government is planning to legalize a number of outposts that have reached the courts (see table 5), although the legal tools for this kind of action are not yet in place. Meanwhile, this government has also been temporizing with regard to petitions relating to illegal construction. In a number of cases the State has postponed the presentation of its position several times, dragging the court process for weeks, months and even years, as well as postponing evacuations.<sup>129</sup> The argument is that the State needs more time to formulate its position, and the Supreme Court usually allows these postponements (Yesh Din 2011a: 27-28).

In other cases the actual evacuation is not carried through, despite court orders, due to the State claiming the responsibility to evacuate lies with someone else (ibid: 30). One example of this is the 2010 case of a park in the settlement of Modi'in Illit, built on privately owned Palestinian land. In response to a petition on the matter, the State renounced its responsibility to evacuate the park, claiming the responsibility resided with the local authority. The problem was that the local authority in question was the same authority that had built the park illegally (ibid).

Another reason for slow evacuations is violations of Supreme Court orders to temporarily stop building while investigating the matter (ibid: 18). An example of this is the building of a synagogue in the outpost Elmatan in the summer of 2009. The outpost is itself built on public land classified as land belonging to the Palestinian village Deir Yistya (ibid: 18-19). After a petition to the Supreme Court, a temporary order to stop the construction was issued, but ignored. The petitioners then reported the violation, and the synagogue was sealed off, but the settlers responded with a petition of their own. This petition was met with an order to forbid the sealing off of the synagogue until a final decision had been made. Hence two different orders had been given, but eventually the Court ruled against the settlers. This happened in

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<sup>128</sup> *Haaretz* 07.08.11

<sup>129</sup> See for example *JTA* 11.10.11

the summer of 2010, a year after the initial petition. In October the State decided to hear a petition from one of the settlers complaining because of his use of the synagogue for daily prayers. In November the petition was rejected, but already a year and a half had passed, due to this number of additional petitions. The synagogue remained sealed-off, but the State then announced its intention to legalize the structure, even though both the location and the actual building were illegal also under Israeli law (ibid: 19-20). These examples show that the non-violent tactics of land grab and illegal outpost constructions pay off in some cases. Settlers with total disregard for the legal system do not always get punished. Instead their actions are retroactively legalized.

**Table 5: List of Outposts in Court**

Outpost	No of mobile homes	No of permanent homes	No residents	of State response
Haresha	60	8	200	Intention to legalize
HaYovel	27	16	150	Intention to legalize
Sansana	58	21	240	Legalized*
Shvut Rachel	47	93	400	Intention to legalize
Rechelim	41	24	240	Legalized*
Bruchin	53	52	350	Legalized*
Ma'ale Rehav'am	28	n/a	60	Intention to legalize
Mitzpe Lachish	12	n/a	50	Intention to legalize
Ramat Gilad	12	n/a	30	Agreement with the settlers to move several mobile homes off private land in exchange for legalizing the outpost
Haro'e	26	n/a	80	Intention to legalize
Mitzpe Yitzhar	7	n/a	20	Two buildings on private land demolished
Derech Ha'avot	18	n/a	150	Intention to legalize
Givat Habracha	n/a	74	300	Legalized
Jabel Artis	5	20	50	Evacuation delayed to end of 2012
Amona	50	n/a	200	Evacuation delayed to end of 2012
Givat Asaf	25	n/a	80	Evacuation delayed to July 1 <sup>st</sup> 2012
Migron	50	3	200	Evacuation delayed to end of July 2012**

Source: Peace Now 2012a

\* Legalized after the issuing of the Peace Now report

\*\*Decision made after these numbers from Peace Now were compiled. Source: *Jerusalem Post* 03.25.12

The legal tools to officially legalize entire outposts do not exist, but the process towards creating them has been ongoing for some time. In 2009 Vice Premier Moshe Ya'alon from Likud stated his support for the outposts, calling for the eradication of the term “illegal” from

“illegal outposts”, suggesting that the communities should be termed “in approval process”.<sup>130</sup> A proposal to assemble a special committee to look into the possible legalization of the outposts came from a number of Likud ministers as a response to the dismantling of three illegal homes in the outpost of Migron in the fall of 2011. According to the proposal, even those outposts which are located on privately owned Palestinian land should be legalized.<sup>131</sup> This runs counter to the Israeli Basic Law of Human Dignity and Liberty, which states that “there shall be no violation of the property of the person” (Knesset 1992). In the aftermath of the attack on the Ephraim Brigade base in December 2011, a new bill to legalize the outposts signed by 20 coalition Knesset members was put up for debate.<sup>132</sup> According to the proposal, a land owner that has had his land being built on illegally shall have a time limit of four years to appeal to the court. If the land owner fails to do so, the structure shall be allowed to remain. The bill was proposed to include only communities with at least 20 housing units. Also Ovadia Yosef, the spiritual leader of Shas has urged the Prime Minister not to evacuate the outposts, arguing that since they were built with state support it is wrong to turn around and now raze them.<sup>133</sup> Yosef is here demonstrating a central point of this thesis; that official bodies have taken part in the building of these communities. It does not, however, justify their existence, as their existence has come about through illegal means. The argument put forth by Yosef is the same that Ya'alon and the 20 ministers used; the outposts are built with state support and hence cannot be razed. They are, of course, ignoring the fact that the outposts were never granted any official approval. They are thus arguing for the rewarding of illegal activities, which is inconsistent with Israeli domestic law.

The timing of this recent proposed bill is interesting. It comes as a response to the rioting, and shows that a large part of the coalition has strong interests in both keeping the settlements, as well as accommodating the radical settlers. The aim of the bill is to “prevent more homes from being destroyed”<sup>134</sup>, which does not only mean that new settlements will retroactively be authorized, but also that more areas will have to be negotiated upon in terms of land swaps in the event of a future peace agreement. Most importantly for this thesis, it means that violence pays off. All such statements are clear support of the settler cause and the view that all of Judea and Samaria is Jewish - and should remain Jewish land. This gives the settlers

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<sup>130</sup> *Haaretz* 08.18.09

<sup>131</sup> *Jerusalem Post* 10.10.11

<sup>132</sup> *Yediot Aharonot* 12.15.11b

<sup>133</sup> *Jerusalem Post* 11.09.11

<sup>134</sup> *Ibid*

confidence that no large-scale evacuations will take place, not of settlements or of outposts. If all of the land is Jewish, Jews will eventually be allowed to build everywhere. Although the support has been more outspoken the last year, the foot-dragging and small scale retroactive legalization in and of outposts have been going on throughout the term of this government. The latest calls to make it official are merely confirming a year long policy.

This review of the politics led by the two governments is an important component in order to answer the research questions posed. In the next chapter, the policies, as well as the other factors discussed in the preceding chapters, will be analyzed in light of the analytical framework.

## 7 Analysis

On the basis of the preceding chapters, which have described the political situation in Israel and the various tactics of the settlement movement as a whole, this chapter will discuss the causal connections between state policies and radicalization, and between state policies and continued increase in violence. In the introduction I posed two questions: *Why did 2006 witness an increase and change in settler violence?* and, based on Mark Lichbach's theory, *can inconsistent state policies explain the yearly increase in settler violence in the West Bank since 2006?*

Although the latter question explicitly includes state policies as an explanatory factor, the model from chapter 3.5 includes state policies as an important factor also when addressing the first question.

The division of strategic violence into two categories - "price tag" and hooliganism - as done in chapter 5.2, guides the structure of the analysis in this chapter. Each type of violence will be analyzed separately, in sections 7.1 and 7.2 respectively. Because causes of initial radicalization and continued increase are assumed to be closely tied, each section will address both why the scale of each type of violence magnified *in 2006* and why it has increased every year since. Olmert's time in office will therefore be discussed in these sections. Because violence has increased the most under Netanyahu rule, the more settlement friendly of the two governments, section 7.4 will be devoted to addressing this time period explicitly.

The data and discussion in chapter 5 will be utilized in a discussion of the effectiveness of the different tactics, in terms of goal attainment, and why some settlers have abandoned non-violent means and rather pursue their goals through violence. The extent of support in the political and bureaucratic systems, termed the "political iceberg", was also outlined in chapter 5. As recalled from the analytical model presented in section 3.5, the existence of such an "iceberg" is expected to lead to inconsistency in state policies, which according to Lichbach's (1987) theory is the reason why violence increases.

## **7.1 The causes of “price-tag” violence**

According to Gurr (1970: 37) radicalization towards violence occurs when deprivation is linked to political structures, which essentially deems the underlying reasons for deprivation irrelevant. This is not to dismiss the religious convictions of the radical settlers completely: Religion and ideology are included in the model as underlying, but necessary, variables. But these religious convictions are not completely new, and the notion of religiously important land is shared also by non-violent settlers. Religion itself is thus not sufficient to explain violence. It can, however, contribute to explaining relative deprivation, which will be addressed below. Still, feeling deprived does not automatically lead to violence, as these perceptions of deprivation is also shared by many non-violent settlers. As will be discussed, the notion of delegitimation is useful for explaining why the Hilltop Youth adhere to an anti-statist ideology, as opposed to Gush Emunim and the majority of law-abiding settlers in the West Bank. Due to the anti-settlement policies of Sharon and Olmert, the state has lost legitimacy in the eyes of these radicals. In consistency with Lichbach's first proposition, non-violence has been repressed and the consequence of this is that violence increases (cf. Lichbach 1987: 285).

### **7.1.1 Deprivation and delegitimation: Causes of radicalization**

The religious convictions of the radical settlers, also found in the ideology of Gush Emunim, is the fundamental factor for the feeling of deprivation, for both the violent and non-violent settlers. The importance of the land determines the will or necessity to fight for it. The radical settlers deem the whole land rightfully theirs, and feel deprived as their efforts to gain control over it is counteracted by the State, while, as they see it, the Palestinians are allowed to build freely. The views expressed in connection to extremist speech or the halting of funding for extremist yeshivas (cf. Section 6.3.2) also point to feelings of deprivation, although not expressed by people directly connected to violence themselves: The Arabs are allowed to keep their extremist schools and the Israeli left is allowed to express extremist speech. As they see it, only the Jewish right-wing is suppressed on these matters. Still, the settlement policies of succeeding governments, although with some setbacks, have slowly narrowed the gap between the value position sought and the value position held. The lack of law enforcement upon illegal hilltop communities have contributed to the progression towards this goal, and according to Gurr (1968b: 265-266), the closer one believes oneself to be to the



goal, the greater will the frustration be, and with that the greater the likelihood for violence. The peace talks have been stalled for years and in the meantime the situation on the ground has been transformed with the extension of outposts.

In order for deprivation to lead to violence, it needs to be severe, and it needs to be part of a process of delegitimation of the state in the eyes of the deprived, which at some point results in a complete breakdown (cf. Pedahzur et al 1999). This process has been ongoing throughout the upbringing of the Hilltop Youth. Growing up in the 1990s, they witnessed the parent generation failing in the fight as the State gave away authority over the Holy Land in the Oslo Accords, which was followed by the 1996 declaration to discontinue the settlement building. They grew up in the Territories, to some degree isolated from the remaining Israeli society, at times during massively violent waves of Palestinian terrorism in the Second Intifada. Many of them have experienced terrorism first hand, and their reality and world view have been shaped by this violence (Feige 2009: 231). Growing up on the “lawless frontiers” that was and is the West Bank is likely to have made an important impact and shaped their racist ideology, displayed by such bumper stick slogans as “no Arabs, no terror attacks” (Carton 2011: 20). During this period the state failed to protect them against continuous attacks, which decreased the trust in the State. Moreover, as a response to the terrorism, the State started the construction of the separation barrier which meant that the settlers east of the barrier was “left to the wolves”, in the words of one settler, and further isolated from Israeli society. At the same time they feel unjustly treated by the security establishment in the West Bank, which they claim is over-enforcing law against the settlers, while neglecting it when dealing with Palestinians.

### **7.1.2 Repressing the non-violent tactic: The Gaza disengagement**

The Gaza disengagement is a crucial factor in the process of delegitimation. The overall national-religious population remembers the "national Jewish tragedy [that] took place with the expulsion of the Jews from Gush Katif" (Saperstein 2009). The Gaza disengagement was a crackdown on activity previously deemed directly legal by the Israeli state. Settling in Gush Katif had been encouraged with the use of economic subsidies, and now they were uprooted and evicted. The Yesha Council, advocating non-violent protest means, fought in vain for a solution with the State on the Disengagement Plan. In the words of Yesha Council Chairman Danny Dayan, according to a Wikileaks cable from 2008, it taught the youths that “you can't

play by the rules because the opponent will change them at the last minute”.<sup>135</sup> The settlers had for decades pursued their goals through non-violent means, but the peacefulness of the protests in Gaza was surprising. Still, the “love theme” of the resistance, with singing songs and hugging soldiers, proved futile. In 2008 Shabak chief Yuval Diskin described the change in the Hilltop Youth's attitude as “their approach began with the slogan 'through love, we will win' during the disengagement, but has now reached 'through war, we will win’”.<sup>136</sup>

Lichbach's (1987: 285) first proposition suggests that *an increase in a government's repression of non-violence will reduce the nonviolent activities of an opposition group but increase its violent activities*. As far as public information reveals, no evacuations took place between the Gaza disengagement and January 2006. The first evacuation since the disengagement was met with not only violent protest against the Israeli security forces carrying out the evacuation, but also with “price tag” actions, and most – if not all – later evacuations have been violent. Non-violence had been tried both in the months leading up to the evacuation and on the scene in Gush Katif, but this tactic was not fruitful. The disengagement did not only lead to the State losing more legitimacy in the eyes of many settlers. The Yesha Council, advocating non-violent tactics, has also lost substantial legitimacy. It has been accused of collaboration with the State, striking silent deals with Barak and being weak because it insists on continuing the struggle non-violently (Shragai 2008<sup>137</sup>). “Price tag” is thus a direct product of non-violence being repressed.

Another way non-violence is being repressed is through the targeting of the outposts. The outposts have been established through non-violent means, and also with the collaboration of state officials. The decision to target the outposts was a continuation of Sharon's Disengagement Plan, extended in the form of Olmert's Convergence Plan. Although the State for long was aware of their existence, Olmert's attempts from 2006 to produce plans for full evacuation of these illegal communities were the first serious steps towards taking actions. It put the outposts on the political agenda in a more serious manner than previously, despite the issuing of the Sason report in 2005. This further contributes to the process of delegitimation, as the State again sets out to dismantle people's homes, homes that have been built with official assistance. This assistance has been illicit, making the outpost evictions technically

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<sup>135</sup> Quoted in *Haaretz* 04.07.11

<sup>136</sup> Quoted in *Haaretz* 02.11.08

<sup>137</sup> A quick internet search will also show the contempt for the Yesha Council felt by many Hardalim. Terms such as “collaborators”, “traitors” and “fifth-columnists” are frequently used.

different than settlement evacuations. The outposts are deemed illegal also under Israeli law. The divide between what is legal and illegal under Israeli law is, however, not relevant in cases of settlers violence that involve the Hilltop Youth. Their anti-statist ideology is rooted in a view that the state is only legitimate as long as it is working in a way that is furthering their goals. The radicalization is thus also in line with Lichbach's (1987: 269) suggestion that a government policy of coercion might itself become target of dissent and attract new followers. The policies are regarded illegitimate, as the values of the State do not concur with their values.

The Gaza evacuation led to the already waning legitimacy of the State as well as the tactics advocated by the Yesha Council breaking down. Coupled with the targeting of the outposts from early 2006, the disengagement can well explain the birth of the “price tag” phenomenon and is also in line with the “price tag narrative”. However, as recalled from section 5.2.2, the number of “price tag” attacks is very low compared to the overall number of attacks. This is due to these attacks being responses to announced or actual evacuations, and the number of evacuations has not increased. Still, the number of attacks that fall into the category of “price tag” was higher in 2011 compared to 2006. As recalled from section 5.2.2, a total of 65 attacks were recorded in connection with seven evacuations; an average of over nine attacks per evacuation, compared to 2006 where two evacuations resulted in two attacks. This indicates that evacuations have been met with stronger resistance over the years, attracting new dissenters, in line with Lichbach (1987: 269), quoted above. It also supports Gurr's (1968a: 274) proposition that violence can be a sympathy pledge or spurred by violence by people one identifies with elsewhere, although they are not directly connected to oneself in any way. Riots were reported throughout the West Bank in the immediate aftermath of the al-Rajabi evacuation. In addition, 20,000 sympathizers arrived in Hebron on the day of evacuation (OCHA 2008: 10). In Amona, two years earlier, 4,000 sympathizers showed up on the spot to protest and try to prevent the evictions. “Price tag” is a short-term oriented tactic utilized to prevent impending setbacks in the process of securing that the West Bank stays on Jewish hands.

The roots of “price tag” as a violent protest means are thus easy to trace, and partially fits with Lichbach's first proposition: non-violent protest clearly does not advance their goals, as proved by the disengagement. A new form of protest is thus warranted. Still, “price tag” attacks only make up a fraction of the total number of attacks. The most sensational aspect of

this tactic is that it is new, and that it so clearly is meant as revenge, as opposed to the two other types of violence, which for most go unnoticed by the media. Still, Lichbach's proposition also holds that as non-violent tactics are repressed, they will decrease. Non-violent protest has not directly decreased as a consequence, as the Yesha Council still maintains that legal means of opposition is the way to work the system. More recent controversies over outposts and illegal settlement neighborhoods also show that many settlers still rely on peaceful protesting in order to reach their goals.<sup>138</sup> The trend is rather that a radicalized minority has abandoned non-violent protest, while the legitimacy of the state in the eyes of the mainstream settlers has not been severe enough for them to resort to violence.

## **7.2 The increase in hooliganism**

The settlers I spoke to all expressed a sort of resignation, and some also annoyance, over the heavy focus on “price tag”, since such incidents are so rare. They complained about the issue of settler violence being blown out of proportions. This is a legitimate claim if one solely focuses on “price tag”. However, violence best characterized as hooliganism is the type of violence that has increased most drastically over the course of the years and make up the majority of settler attacks. While “price tag” is a new phenomenon, hooliganism has been a concern since the first settlements, but as stressed, it has been concentrated to the Hebron area and has not had the characteristics of being a conscious tactic.

### **7.2.1 Repression of the most successful tactic**

It is not conceivable that the diffusion of hooligan violence is an expression of sympathy, as the riots across the West Bank in connection with evacuations could be understood as. Hooliganism is a form of violence designed to instill fear and take over the streets, or in the case of settler hooliganism; take over the West Bank. It should, however, also be seen in light of the targeting of the non-violent tactic of outpost construction. According to Lichbach's (1987: 286) second proposition, the total conflict level will increase if the most effective tactic is the one that is repressed. The total level of activity needs to be held at such a level that it is equally effective in terms of goal attainment. If non-violent tactics were the most

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<sup>138</sup> See for instance *Haaretz* 06.06.12a and b.

successful ones, violence will increase as to make up for the *loss of efficacy of the previous tactic*.

The settlers have been very successful pursuing their goals through non-violent means. The settlement enterprise has been thriving, and the settler cause has gained a wide hearing in the political corridors of Israel as well as in Israeli society in general. The establishment of more than 100 illegal outposts over the years has happened with the direct help of state officials and has changed the West Bank terrain, in the same manner as the first settlements were established. The outposts further the goal shared by both radical Hilltop Youth and more mainstream settlement supporters; making sure that the West Bank remains on Jewish hands. There is already political consensus in Israel that the major settlement blocs should be annexed in a land swap agreement, and the outposts serve to fill territorial gaps between settlements, possibly making new blocs that might be harder to dismantle (Klein 2011: 56). Further, the risk of legal consequences for this non-violent illegal activity is very low, and hence the tactic is cheap. It has also proved cost-efficient, as the influence in the political system has made acting towards the goal easy. The government policy that the law breakers have obtained has been one of turning a blind eye and a lack of law enforcement that no government has seemed interested in addressing. Meanwhile, the settlement friendly factions of the political system have gained momentum. The settlement supporters have during both cabinets made sure that despite promises to evacuate the outposts, few have actually been dismantled, which also raise the question if they ever will. The retroactive legalization of some structures, and in five cases<sup>139</sup> so far retroactive legalization of the entire outpost, further shows that the outposts have been a successful tactic.

As opposed to non-violent *protest* not decreasing, the number of attempts to erect new outposts has diminished as the outposts have been targeted (cf. Section 5.1.1). This also corresponds with Lichbach's first proposition, quoted above: The non-violent activity will decrease if it is repressed, while the violent activity increases. This makes it reasonable to question the debate on disobedience and sympathy among religious soldiers, as discussed in section 5.1.2, since it seems like the security forces on the ground has become harsher in their repression of the illegal activities of the settlers, as outposts have reached the political limelight. However, the different commanders, and the different brigades in general, treat the settlers, and the Palestinians, differently (see *Breaking the Silence* 2011a; 2011b for

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<sup>139</sup> Three of these outposts were legalized in April 2012, which is technically outside the scope of this paper.

examples), and that may be part of the explanation. I have, however, not been able to obtain information about which brigades were stationed where at what time. Nonetheless, the outpost construction has dwindled, and hooligan violence has increased.

The possible relationship between these two simultaneous trends is the costs connected to the different tactics. The settlers are regarded as rational actors calculating costs and benefits. The cost connected to trying to further their cause through non-violent means has significantly increased since 2006, while the cost connected to harassment and violence has remained unchanged, since no measures have been taken towards strengthening the level of law enforcement in general. However, although hooligan violence and harassment might further the goals of the radical settlers, this is a tactic that takes far more effort and yields less direct results than outpost building, which changed the facts on the ground in a direct manner. The probability of obtaining direct benefits from violence is slimmer than through non-violence, and is perhaps one explanation why violence has not been used extensively in the past. Since settler violence has not been systematically monitored until recently, it is hard to assess this tactic's success. In a small number of cases pre-2006, harassment from settlers have led to entire villages being abandoned, which serve the goal of Jewish control over the area, especially when the Palestinians relocated into area A. Still, violence has not been as effective as the non-violent tactics, as violence does not necessarily lead to the control of more land. However, the targeting of the outposts has made the non-violent tactic expensive. The establishment of new hilltop communities takes time, money and energy (c.f Gurr 1968a: 266) and hence they have a lot to lose with the change in policy, even though most of the outposts have not been evacuated. Building new outposts have proved futile, as the IDF and Israeli police seem to have stepped up the effort against such incidents.

Rational actors assess the history of their own actions, and in this case they see that the chances of being punished are slim. Violence is less effective than non-violence, but has emerged as the less costly one. This can explain the change in tactics. The level of planning, as proven by attacks being carried out in groups, as well as Shabak's suspicion of target databases indicate that it is in fact a conscious tactical assessment behind the increased violence. And violence has had clearer effects after the outposts were targeted. In 2011, 139 Palestinians were internally displaced due to settler violence (OCHA 2011). Also, according to OCHA (2012b: 5), violence and harassment has enabled the takeover of 22 Palestinian owned springs. The overtaking of springs is a more subtle tactic than outpost erections, as it

does not change the physical landscape in any way; it only changes access and control of already existing infrastructure and can thus more easily go unheeded. The repression of the non-violent tactic has thus not only lead to non-violence being less effective, but also turned the violent tactic into the most effective one, as law enforcement remains at the same low as it has always been. Both Lichbach's second and third propositions can thus account for the increase in hooliganism; repressing the non-violent tactic, which has also been the most effective one, is in itself inconsistent as this means that the State is punishing and rewarding the same tactic (cf. Lichbach 1987: 287). Hooligan violence serves a more long-term goal than “price tag”. Since large parts of the political establishment in Israel are committed to a two-state solution, changing the facts on the ground is crucial in order to keep the Territories in Jewish control.

### **7.2.2 The influence of radical rabbis**

As at least part of the violent settler population adhere to an ideology where their existence is regarded as a state of war between nations, it is probable that many instances of hooligan violence is regarded as vigilante violence (which will be addressed below) or simply necessary warfare in the eyes of the perpetrators. Since the radical settlers are deeply religious, it is also conceivable that the public controversy created by statements from radical rabbis, or publications such as “Torat ha Melekh”, give grist to the mill. The authority such religious figures have over large parts of the national-religious population is of magnitude. Lior and other like-minded rabbis head important yeshivas and hesder yeshivas, receiving state funding while inciting racism and violence, which can contribute to further radicalization of the settler population. The State not repressing such hate speech, but rather letting it continue to grow and spread is a factor allowing for violence to increase. The support from political figures dismissing such statements as halakhic rulings affirms violence against non-Jews as permissible and in accordance to the Torah.

### **7.2.3 Increased vigilantism as a consequence**

As discussed in chapter 5.2.1, vigilantism is not a strategic form of violence. It is driven by emotions and is spontaneous. The increase in this type of violence can, however, be understood as a consequence of the general conflict level increasing. The West Bank having developed into a somewhat lawless society, due to the low level of law enforcement in the

area, the threshold for taking to violent self-defense has been lowered. Many settlers do not feel that the police and the IDF are protecting them, and hence they take the law into their own hands. When leading figures such as Strook from the Yesha Human Rights Organization publicly claim that settlers are being discriminated against, and receive support for such claims by leading MKs, it confirms their impression of being deprived and could lead to the State losing support in parts of the settler population.

The occasional punishment, however, make the law enforcement inconsistent. Condemning violence and collecting weapons in one minute, but it the next further arming the settler population is also inconsistent. The arguments from the government is that the settlers live in so-called “danger regions”<sup>140</sup>, thus acknowledging that the State is unable to protect them, as well as indirectly granting them the right to take matters into their own hands. Such steps from the government contribute to vigilante violence increasing. This is also in line with the delegitimation of the State and its institutions as a result of the Gaza disengagement.

## **7.3 The increase in violence during Netanyahu rule**

The preceding chapters discussed the change in the official attitude towards the settlers as a crucial factor for understanding both radicalization that was manifested in the increase in settler violence in 2006 and why violence has increased during Olmert rule. The change of government in 2009 represented the attitude towards the settlers shifting back towards a more settlement friendly one, when the most right-wing government that has ever ruled Israel came into office. This section will discuss why violence increased even more dramatically during Netanyahu rule between 2009 and 2011.

According to Sprinzak (1981), in warm weather, which is what he calls periods of political tailwind, the extremist tip of the iceberg will melt. The goals are furthered in the corridors and hence political activism is not necessary. Intuitively, then, the violent wave under Olmert should subside when a change in government took place. Instead, between 2009 and 2011, the number of violent incidents increased by 144 percent (OCHA 2012a). As accounted for in section 5.2, the situation changed notably in the spring of 2009 when violence spread

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<sup>140</sup> *Haaretz* 04.14.11



significantly outwards from the Hebron area to the Ramallah district and more northwards to Qalqilya and Nablus, making Nablus the most violent governorate by the end of 2011.

### **7.3.1 Inconsistent state policies**

However, the policies during Netanyahu rule have been very inconsistent regarding accommodation and repression, which according to Lichbach's third proposition will facilitate an increase in violence (Lichbach 1987: 287). It is true that the will to enact anti-outpost policies has been even weaker under Netanyahu rule than under Olmert rule, which is a consequence of the influence of the settlement friendly factions in the government. Netanyahu has been heading a government far more to the right than himself personally, and this has led to him taking a very passive stance towards the illegal activities of the settlers, compared to his predecessor.

Roughly speaking Olmert was outspoken against settler violence while Netanyahu publicly ignored the issue up until the attacks on the IDF bases and personnel in the fall of 2011; Olmert took far more steps towards dismantling the outposts as well as reaching an agreement with Abbas, which is an immense threat to the settlements, while the Netanyahu government (although not Netanyahu himself) has been outspokenly supportive of the settlement enterprise, including the illegal outposts. While the Kadima led government was mostly guilty in inaction, meaning it turned a blind eye to the illegal activities of the settlers, be it violence or illegal construction, the Netanyahu led government has actively taken accommodating steps: Promises from large factions of the government that outposts will be saved, retroactive legalization of structures and amendments in gun laws all signal support to the settlement movement and a small chance that they will have to leave. The Netanyahu government had ministers that showed direct contempt for Israeli national law and legal system, trying to circumvent it in order to legalize the outposts, which would mean rewarding an illegal tactic that is officially condemned. The "political iceberg" is made up of settlement friendly people that share the same goals as the radical settlers, although they might not themselves resort to violence for the cause. They do not adhere to the same radical world view where the current situation is regarded a state of war in the same sense as the Hilltop Youth, but they share some of the skepticism towards the Palestinians and the lack of belief in the possibilities of peace. The settlement cause has far more ideological support in the current government,

which is demonstrated by the numerous sympathy pledges originating from various politicians.

That being said, inconsistencies are manifested in that the leading officials, such as Barak and Netanyahu, time and again promulgate the intention to evacuate. Furthermore, the head of the most right-wing government in Israeli history supports a two-state solution, as expressed by Netanyahu in his Bar-Ilan speech. Giving this speech was one of his first actions as prime minister, and even though the “iceberg” was significantly stronger during Netanyahu rule than during Olmert rule, such actions prevent the tip from melting. Sharon and Olmert had made it clear to the settlers that warm weather was over, which made the extremist tip harden, and the occasional warm wind from the new cabinet has not been sufficient to reassure the radical settlers that a new season was in bloom. Thus, although the change in policies looks like a significantly more settler friendly government took office, the situation might not be perceived as such by the radicals. Like Olmert, Netanyahu has committed to evacuating the outposts established after 2001. Furthermore, Netanyahu is the sole prime minister to enact a settlement construction freeze, a decision met with immense violent rioting. Although in practice no repressive steps have been taken during this government (since the construction freeze was not an actual freeze, and Migron is not being razed, simply relocated), the occasional declarations from the government that it intends to uphold its obligations is inconsistent with the platform on which it was elected, inconsistent with the values the voters voted on grounds of, as well as it is inconsistent with the stance of large parts of the government. In the words of Vice Premier Silvan Shalom, in connection with the disputed demolition of an illegally built neighborhood in the settlement of Beit El<sup>141</sup>, “the settlement flag is the central flag of the Likud movement, and the evacuation of settlements is simply out of the question.”<sup>142</sup> The settlers I spoke to all claim that the settler community is being unjustly treated by this government and that they expected a different attitude from such a right-wing coalition. Thus, although the weather has shifted and warm winds are felt, Netanyahu himself still seems like winter to many.

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<sup>141</sup> Illegally built neighborhoods are in practice the same as outposts, as the government legally distinguishes between outposts and settlement on whether their construction was sanctioned by the government.

<sup>142</sup> Cited in *Haaretz* 04.22.12

### 7.3.2 Weak prime minister, strong settlers

Inconsistencies lead to increased violence because it weakens the government vis-à-vis the radical settlers (Lichbach 1987: 287). The official stance is not clear, and despite Netanyahu, and especially Barak, having a cold attitude to the settlers, the “iceberg” has never been stronger. Recalling being somewhat concerned about the future of the ideological settlements east of the separation barrier during Olmert's rule, none of the settlers I spoke to believed that neither the settlements nor the outposts will be dismantled en masse during this government. They feel safe as long as the important ministerial posts are kept by settlement supporters. In the words of one settler, “every minister is king of his own castle”, referring to the newly paved road connecting the surrounding outposts to the settlement of Shiloh, as well as the construction taking place all around.

The existence of the outpost enterprise itself proves inconsistency. The settlement sympathizers found in the bureaucracy and in the military that have enabled the establishment of the outposts have been acting in discrepancy with Israeli law, while other officials have acted in compliance with the law. The outposts have not only been allowed to exist, but they have received substantial financial assistance and military protection. Even after the decision to target the outposts, the illegal activity that brought about their existence has continued to be rewarded. Although Barak and Netanyahu have insisted on evacuating the outposts, they have both dragged their feet in the process towards it. The “iceberg”, represented by government members, has been able to postpone evacuations as well as ensure retroactive legalizations, which means the State is rewarding the same tactic that they claim to target (cf. Yesh Din 2011a: 20-21). The state is also rewarding the outpost enterprise by offering settlers in illegal outposts slated for evacuation, with Migron being the most prominent example, new settlements or new neighborhoods in existing settlements.<sup>143</sup> The state is thus giving in in the exact same way as the state gave in in the aftermath of the Six Day War. The settlements of Kiryat Arba and Elon Moreh are examples of settlements that were established after settlers repeatedly tried to settle in the areas, and equally many times were evacuated, until the State gave in and allowed them to establish civilian settlements at abandoned military bases in the vicinity. Residents of Migron and other illegal outposts, such as that of Givat Assaf and

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<sup>143</sup> *Haaetz* 03.26.12

Amona, are offered similar relocation to a different location in the West Bank, which means the squatters are rewarded with new settlements on State Land.<sup>144</sup>

The radical settlers, regarded as rational actors who calculate the effectiveness of each tactic, realize that the iceberg is strong and government's leadership weak. Netanyahu has tried to pose as a strong leader, eventually condemning violence and insisting that the settlement enterprise needs to be in coherence with Israeli law. A group of settlers showing such contempt for the law, both with regards to the illegal construction and to the violence, is a destabilizing factor for a society. This is the purpose of “price tag”, and it is thus in the State's interest to have the upper hand and show that its leadership will not allow a civil war (cf. Khalfa 2009: 42). But the large supportive network disables the State from cracking down on it sufficiently, and the radical settlers know this. This means that the Netanyahu government has been more attentive than the previous one, which again means there is a bigger probability that pressure works. The political controversy outpost demolition sparks forces the government to try to find alternative solutions, since there are strong supportive elements inside the government which are interested in accommodating the radical settler, through legalizations. History has proved that violent rioting could force the more evacuation prone elements of the government to compromise, making relocation deals, if not giving in completely and granting legalization. Although this means the settlers are not allowed to stay in that exact place, the State is expanding the settlement enterprise in order to appease the unlawful settlers. This furthers the settlement cause, as more land is being settled, this time with the blessing of the Israeli government. Violence thus has a higher chance of paying off with the presence of a strong settlement friendly faction in the government. This fits the observation of fiercer reactions and more attacks as responses to outpost evacuations in 2011 compared to 2006.

Netanyahu is also pressured from forces external to the government. Netanyahu's repressive policies have usually come in response to international pressure, such as that from the US Administration that led to the settlement construction freeze or as a result of high pressure from the Israeli Supreme Court, which has been the case with Migron. This is another way the current government is regarded as weak, as it gives in to external pressure. Settlers I spoke to felt betrayed by Netanyahu as head of a right-wing government that was supposed to fight for their rights. Although the “iceberg” might be strong enough to prevent any large-scale

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<sup>144</sup> *Jerusalem Post* 11.10.11

evacuation at this point, the support for a two-state solution proclaimed by Netanyahu, as the first Likud prime minister to do so, makes some sort of evacuation seem inevitable, especially in light of his lack of ability to resist external pressure, as the settlers I spoke to saw it. This necessitates trying to change the facts on the ground while it is still possible. The low level of law enforcement is the central factor enabling this, while the support in the system is the reason for change in tactics, as the expected retribution from the regime is low (cf. Gurr 1968a: 267) If violence can enable the takeover of land it makes sense to act in this regard now, while law enforcement is low and while the cause has great support, as the changing of the physical reality on the ground can later be rewarded through retroactive legalization. As long as law enforcement is not tightened, there are no incentives not to pursue the goals through violence and harassment, as this has proven effective, as discussed in section 7.1.2. Violence that can be connected to this is perhaps most clearly manifested in the recent attacks on military bases where the State is undoubtedly the recipient of the violent message.

## **7.4 Concluding remarks**

The analytical framework utilized in this thesis was constructed through combining three different theories. Together they constituted the “conceptual lenses” (cf. Allison 1969) the case of settler violence has been seen through. I have found that the model to a great extent offers a good explanation of both the initial radicalization and the continued increase in violence.

### **7.4.1 Why did 2006 witness an increase and change in settler violence?**

The first research question was answered by first investigating the extent of the “political iceberg” today. I found that the existence of such a supportive network is as describing of the situation today as it was in the 1970’s. This has helped to narrow the gap between the value position held and the value position sought. The violent settlers are mostly young people growing up in the settlements, not knowing another life. The state has gradually lost more and more legitimacy in their eyes during the course of their upbringing, with the Gaza disengagement being the straw that broke the camel’s back. Non-violent tactics proved futile, and this minority has thus deemed it necessary to change tactics. “Price tag” is thus a direct

consequence of state policies. As recalled from chapter 2, the official sanctioning of the settlement enterprise from its early days has created a situation where the religious significance of the West Bank has been acknowledged. The basis for the difficulty of attempting to reverse the process was thus created already in 1967.

“Price tag” attacks are short-term oriented. They are spontaneous attacks as reactions to policies carried out or announced, and aim at preventing these evacuations, be it evacuations of illegal outposts, legal settlements or occupied single houses. The tactic also aims at deterring the State from embarking on future evacuations, which strictly speaking is a long-term goal, but it is nevertheless aimed at preventing setbacks with regard to activities and changes on the ground already made. Hooliganism is a tactic with clear long-term goals, but as a tactic it too was born with the Gaza disengagement and the targeting of the outpost during Olmert rule. Violence and harassment serve the same purpose as the outpost tactic: Changing the physical realities on the ground in a long term perspective, as it has enabled the takeover of Palestinian land and forces Palestinian civilians to relocate to area A or B.

#### **7.4.2 Can inconsistent state policies explain the yearly increase in settler violence in the West bank since 2006?**

The change in the official attitude towards the settlers from the time of Sharon explains much of the increase in violence under the duration of the Olmert government. This makes the causes for increase under his administration difficult to disentangle from the initial radicalization. The increase during Netanyahu rule is, however, more clearly fitting with the analytical model’s lower trail.

Although there was a change in government to a far more settlement friendly one in 2009, the hostility during Olmert was too severe for the change in government to be appeasing. The continued violence can thus be understood in the same terms as under Olmert. Netanyahu has not completely broken with the Sharon/Olmert line, but the majority of his government has been made up of right-wing settlement friendly parties. They have been able to influence the policy making in such a way that no serious steps have been taken towards dealing with the illegal activities of the settlers. In order to keep the Prime Minister chair Netanyahu has struggled to balance between internal and external pressure, which has resulted in very inconsistent policies, and led to a mix of repressive and accommodating policies. The government leadership is thus regarded as weak by the radicals, especially when

accommodation follows violence. The dramatic increase and not only continuation of the use of violence is a product of this weakness: Both “price tag” and hooliganism has proven effective, and is increased while the government is as attentive as it has been during Netanyahu’s term from 2009 to 2011.

The increased vigilantism is also a product of the delegitimation process. The radical settler youth grew up in a time of extensive Palestinian violence and frequent terror attacks that the state was unable to defend them against, and vigilantism is a response to this. Like price tag violence it is also short-term oriented and reactionary, but is more directly aimed at the Palestinian in question, while the message of price tag violence is directed at the government. Still, it could be regarded as a form of protest against state policies not being sufficient. Also, the radical settler youth regard their existence as a state of war, a war against an entire Arab nation. Because of this notion of war, what looks like random acts of violence – hooliganism – might also be a form of vigilantism, although the attacks cannot be connected to any specific incident.

## 8 Conclusion and reflections

In this thesis I have attempted to explain the increase and diffusion of settler violence on the West Bank since 2006. This study was a case study based on extensive literary review and analysis of primary sources and interviews. Two research questions were posed: *Why did 2006 witness an increase and change in settler violence?* and *Can inconsistent state policies explain the yearly increase in violence since 2006?*

### 8.1 Summary and findings

In chapter 3.5 I constructed an analytical model in order to explain both the radicalization of part of the settler population which led to the upsurge of violence from 2006, and the continued increase recorded every year since. The analytical model was a combination of Ted Gurr's notion of relative deprivation, coupled with Pedahzur et al's notion of delegitimation, Ehud Sprinzak's "iceberg model" for political extremism and Mark Lichbach's "deterrence or escalation" theory. The latter theory focuses on state policies, which I have regarded as the main explanatory factor. The influence of a large supportive "iceberg" is a crucial factor when understanding state policies and the recent radicalization cannot be completely detached from the history of the settlement enterprise in general. Because of this a brief historical account was given in chapter 2, where the background I deem relevant was presented.

In chapter 5 I presented the different tactics used by the settlement movement. I described the non-violent tactics that has been predominant since the birth of the settlement enterprise, as well as the more recent tactic of outpost building. The latter tactic has been possible due to the groundwork laid by the older generation of settlers; through "penetrating the state system" (cf. Haklai 2007). I emphasized the non-violent protests before and during the Gaza disengagement in 2005, which proved futile. I then mapped the scale of violence and argued for both the understanding of settler violence post-Gaza as a tactic, as well as for the distinction of two types of violent tactics; "price tag" and hooliganism. In the analysis I have showed that this typology is justified, since the two types serve two different kinds of goals; short-term and long-term respectively.



Chapter 6 presented state policies during the rule of the two cabinets the time period of this study covers. The strong influence of settlement supporters in all layers of the Israeli political system has led to inconsistent state policies, and an unclear stance towards the illegal activities of the settlers. The influence was stronger during Netanyahu rule than during Olmert rule, which has been manifested in even less pronounced intentions of evacuations and crack-down on illegal activity being materialized. Furthermore, the low level of law enforcement that has been evident at least since the 1980s, has not been sufficiently addressed by either of the two governments and has allowed violence to increase.

In the analysis in chapter 7 I found that the analytical model explains well why a settler minority has been radicalized, and why this radicalization was manifested in the increase, diffusion and changed nature of settler violence from 2006. In line with both the notion of delegitimation and Sprinzak's hot/cold weather metaphor, the official change in attitude towards the settlement, beginning with Sharon's Disengagement Plan and extended with Olmert's Convergence Plan, can be regarded as the dramatic end to a process of delegitimation of the State in the eyes of these now radicals. The experience of non-violence not bearing fruits has led some settlers to abandoning non-violent means and instead seek to further their goals through violent protest; "price tag". The decision to target the outposts after the Gaza disengagement took away an illegal yet non-violent tactic that had been very successful. Taking over the West Bank, trying to ensure that the biblical homeland stay on Jewish hands is thus now attempted secured through violence and harassment; what I have termed hooliganism. Both these developments are in line with Lichbach's first proposition: Repression of the dissenters' non-violent activities will decrease these activities but result in an increase in violent activities.

The continued increase in violence during Olmert's rule is an entangled part of the initial radicalization after the evacuation of Gush Katif and has, as mentioned, been possible due to the low law enforcement. Although the percentage of the total Israeli police force stationed in the West Bank was raised from 5.6 percent to around 10 percent during Olmert's rule, this did not have any noticeable effect on the ground.

My second research question – if inconsistent policies can explain the yearly increase in settler violence since 2006 – also found support in the data. The extent and influence of the "iceberg" presented and discussed in chapters 5 and 6 has contributed to state policies being

very inconsistent, especially during Netanyahu rule. The settlers are alternately accommodated and repressed, which send an unclear message about the State's intentions. Accommodation has also on several occasions succeeded immense violence; through retroactive legalizations or relocation of outposts to State land. The inconsistencies and unclear stance makes the government leadership look weak, as they give in to both internal and external pressure. This weakness can be exploited, and increased violence is a consequence. The increased violence also needs to be understood in light of the government leadership, although having led a very settlement accommodating government, still having continued the line of Olmert. As stated, even though warm winds are felt, compared to the cold climate during Olmert rule, Netanyahu is still regarded as winter for many settlers. Stepping up the efforts of changing the facts on the ground is thus necessary while the expected retribution is still low. In the word of one settler in the South Hebron Hills: "We stretch the law; the law will adjust itself to what we do".<sup>145</sup>

## 8.2 Concluding comments and reflections

The data fits the analytical model, and the two research questions finds satisfactory answers analyzed in this manner. However, as discussed in chapter 4, one case cannot provide solid conclusions that are transferable to other cases and other situations. This was neither the stated aim. Rather, the aim was identifying possible causal links leading to the observed phenomenon. Still, since I found that the theories utilized do in fact contribute to understanding why settler violence has increased it strengthens the general utility of these theories. It should, however, be noted that even though the eruption of violence in 2006 could be understood in light of Gurr's proposition that relative deprivation leads to violence when political structures are understood as standing in the way of one's goals, relative deprivation is not a necessary factor in order to understand why violence increased dramatically when it did; the notion of a process of delegitimation finally leading to a complete breakdown of the government's legitimacy in the eyes of the civilian is sufficient. It does not, however, impair the causal understanding in any way, and its inclusion is thus not problematic, but rather somewhat superfluous.

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<sup>145</sup> Quoted in *Breaking the Silence* 2011b: 31

It is also important to stress that these findings do not necessarily constitute *the truth* about why settler violence has increased since 2006. The choice of theory and method has guided me in a certain direction, both with regards to data collection and how these data have been analyzed. The theoretical approach I have chosen automatically excludes other potentially explanatory variables. However, I regard the factors, and the relationship between them presented in this thesis, as a plausible explanation of the causes of radicalization and continued increase and diffusion of settler violence since 2006.

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